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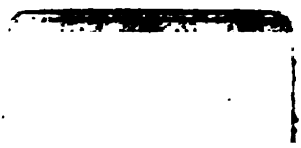

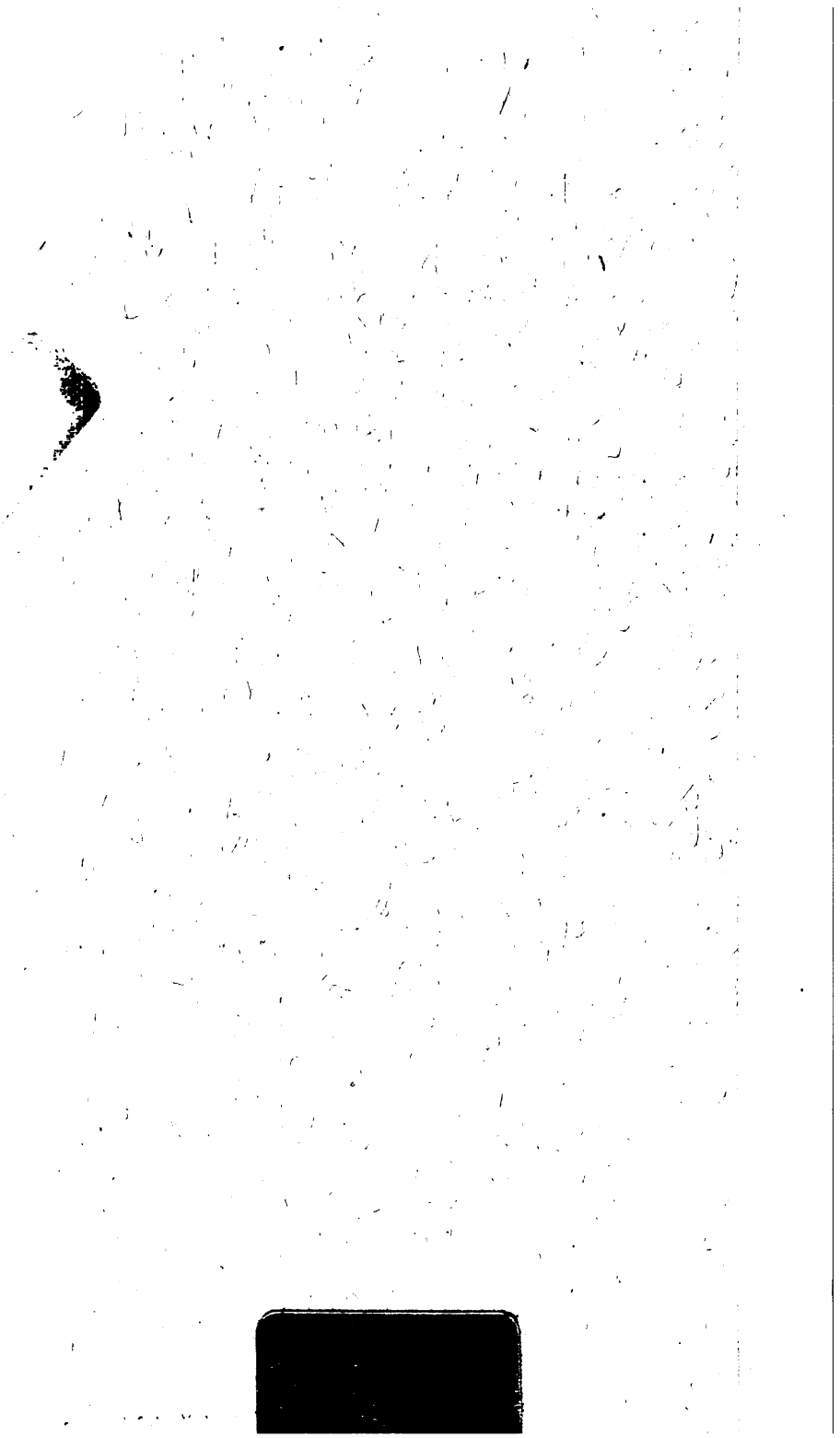

THE WORKS

OF

FRANCIS BACON,

Lord Chancellor of England.

A NEW EDITION:

BY

BASIL MONTAGU, ESQ.

VOL. XVI.

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THIS LIFE OF FRANCIS BACON IS INSCRIBED TO THE REVEREND AND LEARNED MARTIN DAVY, D.D. MASTER OF CAIUS COLLEGE,—HENRY BICKERSTETH,—CLEMENT T. SWANSTON,—GEORGE TUTHILL,—AND TO THE MEMORY OF SAMUEL ROMILLY.

R. M.

PREFACE.

About thirty years ago I read in the Will of Lord Bacon—"For my burial, I desire it may be in St. Michael's Church, St. Albans: there was my mother buried, and it is the parish church of my mansion-house of Gorhambury, and it is the only Christian church within the walls of Old Verulam. For my name and memory, I leave it to men's charitable speeches, to foreign nations and the next ages."

This passage, not to be seen till he was at rest from his labours, impressed me with a feeling of his consciousness of ill usage, and a conviction that the time would arrive when justice would be done to his memory. Sir Philip Sydney says, "I never read the old song of Percy and Douglas, without feeling my heart stirred as by the sound of a trumpet;" and assuredly this voice from the grave was not heard by me with less emotion.

The words were cautiously selected, with the knowledge which he, above all men, possessed of their force and pregnant meaning, and of their certain

influence, sooner or later, upon the community. (*a*) They spoke to me as loudly of a sense of injury, and of a reliance upon the justice of future ages, as the opening of the Novum Organum speaks with the consciousness of power: (*b*)

FRANCISCUS DE VERULAMIO
SIC COGITAVIT.

There was also something to me truly affecting in the disclosure of tender natural feeling in the short sentence referring to his mother, which, spanning a whole life between the cradle and the grave, seemed to record nothing else worthy of a tribute of affection.

Thus impressed I resolved to discover the real merits of the case.

I found that the subject had always been involved in some mystery. Archbishop Tennison, the admirer of Lord Bacon, and the friend of Dr. Rawley, his domestic chaplain, thus mentions it in the Baconiana: "His lordship owned it under his hand, (*c*) that he was frail, and did partake of the abuses of the times; and surely he was a partaker of their severities also. The great cause of his suffering is to some a secret. I leave them to find it out by his words to King

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(*a*) In a former will (see Baconiana, p. 203) there is the same wish expressed, not in such polished terms. The sentence is, "For my name and memory, I leave it to foreign nations and to mine own countrymen, after some time be passed over."

(*b*) FRANCIS OF VERULAM THOUGHT THUS.

(*c*) In his letter to King James, March 25, 1620, in the Cabala.

James: (*a*) 'I wish that as I am the first, so I may be the last of sacrifices in your times:' and when, from private appetite, it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed, to make a fire to offer it with."

Dr. Rawley, (*b*) did not, as it seems, think it proper to be more explicit, because he judged "some papers touching matters of estate, to tread too near to the heels of truth and to the times of the persons concerned."

Having read this intimation in the Baconiana, I procured, with some difficulty, a copy of the tract that contains the words to which Archbishop Tennison alludes. It is Bushel's Abridgment of the Lord Chancellor's philosophical theory. (*c*) This work, written by Bushel more than forty years after his master's death, abounding with constant expressions of affection and respect, states that, during a recess of parliament, the King sent for the Chancellor, and ordered him not to resist the charges, as resistance would be injurious to the King and to Buckingham. (*d*) Upon examining the journals of the House of Lords, I found that this interview between the King and the Chancellor was recorded.

Having made this progress, I was informed that there were many of Lord Bacon's letters in the

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(*a*) See Mr. Bushel's extract, p. 19.
(*b*) Baconiana, page 81.
(*c*) See note G G G.
(*d*) See page cccxliv.

Lambeth Library. I immediately applied to the Archbishop of Canterbury for permission to read and take extracts from them. With this application his Grace, with his usual courtesy and kindness, most readily complied.

In one of the letters there is the following passage in Greek characters:

Οφ μγ οφφενς, φαρ βε ιτ φρομ με το σαγ, δατ νενιαμ κορυις; νεξατ κενσυρα κολυμβας: βυτ ι ωιλλ σαγ θατ ι ανε γοοδ ωαρραντ φορ: θεγ ωερε νοτ θε γρεατεστ οφφενδερς ιν Ισραελ υπον ωηομ θε ωαλλ φελλ. (*a*)

In another letter he says, "And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times." (*b*)

From this ambiguity by a man so capable of expressing himself clearly, and whose favourite maxim was, "Do not inflate plain things into marvels, but reduce marvels to plain things," I was confirmed in the opinion which I had formed. I, therefore, proceeded to collect the evidence.

After great deliberation I arranged all the materials; and, from the chance that I might not live to

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(*a*) Decyphered it is as follows: Of my offence, far be it from me to say, *dat veniam corvis; vexat censura Columbas*: but I will say that I have good warrant for: they were not the greatest offenders in Israel upon whom the wall fell.

(*b*) Letter to the King, May 25, 1620.

complete the work, I some years since prepared that part which relates to the charge against him, and entrusted it to a friend, that, in the event of my death, my researches might not be lost.

The life is now submitted to public consideration. I cannot conclude without returning my grateful acknowledgments to the many friends to whom I am much indebted:—particularly to Archdeacon Wrangham, with the feeling of more than forty years' uninterrupted friendship;—to my intelligent friend, B. Heywood Bright, for his important co-operation and valuable communication from the Tanner Manuscripts;—to my dear friend, William Wood, for his encouragement during the progress of the work, and for his admirable translation of the Novum Organum. How impossible is it for me to express my obligations to the sweet taste of her to whom I am indebted for every blessing of my life!

I am well aware of the many faults with which the work abounds, and particularly of the occasional repetitions. I must trust to the lenient sentence of my reader, after he has been informed that it was not pursued in the undisturbed quiet of literary leisure, but in the few hours which could be rescued from arduous professional duties; not carefully composed by a student in his pensive citadel, but by a daily "delver in the laborious mine of the law," where the vexed printer frequently waited till the impatient client was dispatched; and that, to publish it as it is, I have been compelled to forego many advantages; to relinquish many of the enjoyments of social life, and to sacrifice not only the society, but even the

correspondence of friends very dear to me. I ask, and I am sure I shall not ask in vain, for their forgiveness. One friend the grave has closed over, who cheered me in my task when I was weary, and better able, from his rich and comprehensive mind, to detect errors than any man, was always more happy to encourage and to commend. Wise as the serpent, gall-less as the dove, pious and pure of heart, tender, affectionate and forgiving, this and more than this I can say, after the trial of forty years, was my friend and instructor, Samuel Taylor Coleridge.

I am now to quit for ever a work upon which I have so long and so happily been engaged. I must separate from my companion, my familiar friend, with whom, for more than thirty years, I have taken sweet counsel. With a deep feeling of humility I think of the conclusion of my labours; but I think of it with that satisfaction ever attendant upon the hope of being an instrument of good. "Power to do good is the true and lawful end of aspiring. Merit and good works is the end of man's motion, and conscience of the same is the accomplishment of man's rest; for, if man can be a partaker of God's theatre, he will be a partaker of God's rest." (*a*)

I please myself with the hope that I may induce some young man, who, at his entrance into life, is anxious to do justice to his powers, to enjoy that "*suavissima vita indies sentire se fieri meliorem*," to look into the works of our illustrious countryman. I venture also to hope that, in these times of inquiry,

(*a*) Essay on Great Place.

the works of this philosopher may, without interfering with academical studies, be deemed deserving the consideration of our universities, framed, as they so wisely are, for the diffusion of the knowledge of our predecessors. Perhaps some opulent member of the university, when considering how he may extend to future times the blessings which he has enjoyed in his pilgrimage, may think that in the University of Cambridge, a Verulamian Professorship might be productive of good:—but these expectations may be the illusions of a lover; and it is not given to man to love and to be wise.—There are, however, pleasures of which nothing can bereave me; the consciousness that I have endeavoured to render some assistance to science and to the profession, the noble intellectual profession of which I am a member. How deeply, how gratefully do I feel; with what a lofty spirit and sweet content do I think of the constant kindness of my many, many friends.

And now, for the last time, I use the words of Lord Bacon, "Being at some pause, looking back into that I have passed through, this writing seemeth to me, 'si nunquam fallit imago,' as far as a man can judge of his own work, not much better than the noise or sound which musicians make while they are tuning their instruments, which is nothing pleasant to hear, but yet is a cause why the music is sweeter afterwards: so have I been content to tune the instruments of the muses, that they may play that have better hands."

To posterity and distant ages Bacon bequeathed his good name, and posterity and distant ages will

do him ample justice. Wisdom herself has suffered in his disgrace, but year after year brings to light proof of the arts that worked Bacon's downfall, and covered his character with obloquy. He will find some future historian who, assisted by the patient labours of the present editor, with all his zeal and ten-fold his ability; with power equal to the work and leisure to pursue it, will dig the statue from the rubbish which may yet deface it; and, obliterating one by one the paltry libels scrawled upon its base, will place it, to the honour of true science, in a temple worthy of his greatness.

B. MONTAGU.

November 17, 1834.

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LIFE OF BACON.

CHAPTER I.

FROM HIS BIRTH TILL THE DEATH OF HIS FATHER.

1560 to 1580.

FRANCIS BACON was born at York-House,(*a*) in the Strand, on the 22nd of January, 1560. He was the youngest son of Sir Nicholas Bacon, and of Anne, a daughter of the learned and contemplative Sir Anthony Cooke, tutor to King Edward the Sixth. (*b*) 1560-1. His birth.

Of Sir Nicholas, it has been said, that he was a man full of wit and wisdom, a learned lawyer, and a true gentleman; of a mind the most comprehensive to surround the merits of a cause; of a memory to recollect its least circumstance;* of the deepest search into affairs of any man at the council table, and of a personal dignity so well suited to his other excellencies, that his royal mistress was wont to say, "My Lord keeper's soul is well lodged."(*c*)

He was still more fortunate in the rare qualities of his mother,(*d*) for Sir Anthony Cooke, acting upon his favorite

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(*a*) See note A at the end.

(*b*) See note B at the end.

* "He who cannot contract his sight as well as dilate it, wanteth a great faculty;" says Lord Bacon.

(*c*) See note C at the end.

(*d*) See note D at the end.

opinion then very prevalent,(*e*) that women were as capable of learning as men, carefully instructed his daughters every evening, in the lessons which he had taught the King during the day; and amply were his labors rewarded; for he lived to see all his daughters happily married; and Lady Anne distinguished, not only for her conjugal and maternal virtues, but renowned(*a*) as an excellent scholar, and the translator, from the Italian, of various sermons of Ochinus, a learned divine; and, from the Latin, of Bishop Jewel's Apologia, recommended by Archbishop Parker for general use.(*b*)

It was his good fortune not only to be born of such parents, but also at that happy time " when learning(*c*) had made her third circuit; when the art of printing gave books with a liberal hand to men of all fortunes; when the nation had emerged from the dark superstitions of popery; when peace, throughout all Europe, permitted the enjoyment of foreign travel and free ingress to foreign scholars; and, above all, when a Sovereign of the highest intellectual attainments, at the same time that she encouraged learning and learned men, gave an impulse to the arts, and a chivalric and refined tone to the manners of the people.

(*e*) See note E at the end.

(*a*) She translated from the Italian fourteen sermons concerning the predestination and election of God, without date, 8vo. See Watt's Bibliotheca Britannica. Title, Ochinus and Anne Cooke.—N.B. There is a publication entitled, " Sermons to the number of twenty-five, concerning the Predestination." London: Printed by J. Day, without date, 8vo.—Query, If by Lady Bacon.

(*b*) Ochinus Barnardin, an Italian monk of extraordinary merit, born at Sienna 1487. Died 1594. Watts (S.A.) Jewel's Apologia translated by Anne Bacon 1600, 1606, 1609, Fol. 1626, 12mo. 1685, 1719, 8vo. See Watts Tit. " Jewel."

(*c*) See Bacon's beautiful conclusion of Civil Knowledge in the advancement of learning, which is in vol. 2. page 297 of this edition.

Bacon's health was always delicate, and his temperament was of such sensibility, as to be affected, even to fainting, by very slight alterations in the atmosphere; a constitutional infirmity which seems to have attended him through life.(g)

While he was yet a child, the signs of Genius, for which he was in after life distinguished, could not have escaped the notice of his intelligent parents. They must have been conscious of his extraordinary powers, and of their responsibility that, upon the right direction of his mind, his future eminence, whether as a statesman or as a philosopher, almost wholly depended.

He was cradled in politics; he was not only the son of the Lord Keeper, but the nephew of Lord Burleigh. He had lived from his infancy amidst the nobility of the reign of Elizabeth, who was herself delighted, even in his childhood, to converse with him, and to prove him with questions, which he answered with a maturity above his years, and with such gravity that the Queen would often call him her young Lord Keeper.(h) Upon the Queen's asking him, when a child, how old he was, he answered, "two years younger than your majesty's happy reign."

But there were dawnings of genius of a much higher nature.(x) When a boy, while his companions were diverting themselves near to his father's house in St. James's Park, he stole to the brick conduit to discover the cause of a singular echo;(c) and, in his twelfth

(g) See note G at the end.

(h) See note H at the end.

(x) See Paradise Regained, B. I. "When I was yet a child," &c.—See Burns: "I saw thee seek the sounding shore," &c.—See Beattie's Minstrel; "Baubles he heeded not," &c.

(c) The laws of sound were always a subject of his thoughts. In the third century of the Sylva, he says, "we have laboured, as may appear, in this

year, he was meditating upon the laws of the imagination.(*t*)

1573. Æt. 13. The university. At the early age of thirteen, it was resolved to send him to Cambridge, of which university, he, with his brother Anthony, was matriculated as a member, on the 10th of

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inquisition of sounds diligently; both because sound is one of the most hidden portions of nature, and because it is a virtue which may be called incorporeal and immateriate, whereof there be in nature but few."

As one of the facts, he says in his Sylva Sylvarum, (Art. 140.) "There is in St. James's fields a conduit of brick, unto which joineth a low vault; and at the end of that a round house of stone; and in the brick conduit there is a window; and in the round house a slit or rift of some little breadth: if you cry out in the rift, it will make a fearful roaring at the window. The cause is, for that all concaves, that proceed from more narrow to more broad, do amplify the sound at the coming out."

(*t*) In the tenth century of the Sylva, after having enumerated many of the idle imaginations by which the world then was, and, more or less, always will be, misled, he says, "With these vast and bottomless follies men have been in part entertained. But we, that hold firm to the works of God, and to the sense, which is God's lamp, lucerna Dei spiraculum hominis, will inquire with all sobriety and severity, whether there be to be found in the footsteps of nature, any such transmission and influx of immateriate virtues; and what the force of imagination is, either upon the body imaginant, or upon another body.

He then proceeds to state the different kinds of the power of imagination, saying it is in three kinds: the first, upon the body of the imaginant, including likewise the child in the mother's womb; the second is, the power of it upon dead bodies, as plants, wood, stone, metal, &c.; the third is, the power of it upon the spirits of men and living creatures; and with this last we will only meddle.

The problem therefore is, whether a man constantly and strongly believing that such a thing shall be; as that such a one will love him; or that such a one will grant him his request; or that such a one shall recover a sickness, or the like, it doth help any thing to the effecting of the thing itself.

In the solution of this problem he, according to his custom, enumerates a variety of instances, and, amongst others, the following fact, which occurred to him when a child, for he left his father's house when he was thirteen.

For example, he says, I related one time to a man, that was curious and

June, 1573.(*k*) They were both admitted of Trinity College, under the care of Dr. John Whitgift,(*c*) a friend of the Lord Keeper's, then master of the college, afterwards Archbishop of Canterbury, and distinguished through life, not only for his piety, but for his great learning, and unwearied exertions to promote the public good.

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vain enough in these things; that I saw a kind of juggler, that had a pair of cards, and would tell a man what card he thought. This pretended learned man told me, it was a mistaking in me; for (said he) it was not the knowledge of the man's thought, (for that is proper to God,) but it was the inforcing of a thought upon him, and binding his imagination by a stronger, that he could think no other card. And thereupon he asked me a question or two, which I thought he did but cunningly, knowing before what used to be the feats of the juggler. Sir, (said he), do you remember whether he told the card the man thought himself, or bade another to tell it. I answered, (as was true), that he bade another tell it. Whereunto he said, so I thought; for (said he) himself could not have put on so strong an imagination, but by telling the other the card, (who believed that the juggler was some strange man, and could do strange things,) that other man caught a strong imagination. I hearkened unto him, thinking for a vanity he spoke prettily. Then he asked me another question: saith he, do you remember whether he bade the man think the card first, and afterwards told the other man in his ear, what he should think, or else that he did whisper first in the man's ear, that should tell the card, telling that such a man should think such a card, and after bade the man think a card; I told him, as was true; that he did first whisper the man in the ear, that such a man should think such a card; upon this the learned man did much exult, and please himself, saying, lo, you may see that my opinion is right; for if the man had thought first, his thought had been fixed; but the other imagining first, bound his thought. Which though it did somewhat sink with me, yet I made lighter than I thought, and said, I thought it was confederacy between the juggler and the two servants; though (indeed) I had no reason so to think; for they were both my father's servants; and he had never played in the house before.

(*k*) An. 1573. Jun. 10. Antonius Bacon Coll. Trin. Convict. i. admissus in matriculam acad. Cantabr.

Franciscus Bacon Coll. Trin. Convict. i. admissus in matriculam academiae Cantabr. eodem die & anno. (Reg^{r} Acad.)

(*c*) See the Biog. Brit. In 1565, Whitgift so distinguished himself in the pulpit, that the Lord Keeper recommended him to the queen.

What must have passed in his youthful, thoughtful, ardent mind, at this eventful moment, when he first quitted his father's house to engage in active life? What must have been his feelings when he approached the university, and saw, in the distance, the lofty spires, and towers, and venerable walls, raised by intellect and piety "and hallowed by the shrines where the works of the mighty dead are preserved and reposed, (*a*) and by the labours of the mighty living, with joint forces directing their strength against Nature herself, to take her high towers, and dismantle her fortified holds, and thus enlarge the borders of man's dominion, so far as Almighty God of his goodness shall permit?"(*b*)

"As water," he says, "whether it be the dew of heaven, or the springs of the earth, doth scatter and lose itself in the ground, except it be collected into some receptacle, where it may by union comfort and sustain itself, and for that cause the industry of man hath made and framed spring-

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(*a*) But the works touching *Books* are chiefly two: first, *Libraries*, wherein, as in famous shrines, the reliques of the ancient saints, full of virtue, are reposed. Secondly, *New Editions of Authors, with corrected impressions; more faithful Translations, more profitable glosses, more diligent annotations;* with the like train furnished and adorned.

In a letter to Sir Thomas Bodley, he says, "and the second copy I have sent unto you, not only in good affection, but in a kind of congruity, in regard of your great and rare desert of learning. For books are the shrines where the saint is, or is believed to be. And you, having built an ark to save learning from deluge, deserve propriety in any new instrument or engine, whereby learning should be improved or advanced."—*Steph.* 19.

(*b*) Nor doth our trumpet summon, and encourage men to tear and rend one another with contradictions; and in a civil rage to bear arms, and wage war against themselves; but rather, a peace concluded between them, they may with joint forces direct their strength against Nature herself; and take her high towers, and dismantle her fortified holds; and thus enlarge the borders of man's dominion, so far as Almighty God of his goodness shall permit. Adv. Learn.

heads, conduits, cisterns, and pools, which men have accustomed likewise to beautify and adorn with accomplishments of magnificence and state, as well as of use and necessity; so this excellent liquor of knowledge, whether it descend from divine inspiration, or spring from human sense, would soon perish and vanish to oblivion, if it were not preserved in books, traditions, conferences, and places appointed; as universities, colleges, and schools, for the receipt and comforting of the same. All tending to quietness and privateness of life, and discharge of cares and troubles; much like the stations which Virgil prescribeth for the hiving of bees:

> Principio sedes apibus statioque petenda,
> Quo neque sit ventis aditus, etc.

Such were his imaginations of the tranquillity and occupations in our universities.

He could not long have resided in Cambridge before he must have discovered his erroneous notions of the mighty living, and of the pursuits in which they were engaged. Instead of students ready at all times to acquire any sort of knowledge, he found himself "amidst men of sharp and strong wits, and abundance of leisure, and small variety of reading, their wits being shut up in the cells of a few authors, chiefly Aristotle their dictator, as their persons were shut up in the cells of monasteries and colleges; and knowing little history, either of nature or time, did, out of no great quantity of matter, and infinite agitation of wit, spin cobwebs of learning, admirable for the fineness of thread and work, but of no substance or profit."(*a*)

(*a*) See the Advancement of Learning, under Contentious Learning. See Gibbon's Memoirs. , See vol. viii. London Magazine, page 509. Let him who is fond of indulging in a dream-like existence go to Oxford, and stay there; let him study this magnificent spectacle, the same under all aspects, with its mental twilight tempering the glare of noontide, or mel-

Instead of the University being formed for the discovery of truths, he saw that its object was merely to preserve and diffuse the knowledge of our predecessors: instead of general inquiry, he found that all studies were confined to Aristotle, who was considered infallible in philosophy, a Dictator to command, not a Consul to advise;* the lectures, both in private in the colleges, and in public in the schools, being but expositions of his text, and comments upon his opinions, held as authentic as if they had been given under the seal of the Pope.(*a*) Their infallibility, however, he was not disposed to acknowledge. Whilst in the university he formed his dislike of the philosophy of Aristotle, not for the worthlessness of the author, to whose gigantic intellect he ever ascribed all high attributes, but for the unfruitfulness of his method, being a philosophy, as he was wont to say, strong for disputations and contentions,(*b*) but barren for the production of works for the benefit and use of man: which, according to Bacon's opinion, is the only test of the purity of our motives for acquiring knowledge and of the value of knowledge when acquired; "Men," he says, "have entered into a desire of knowledge sometimes from a natural curiosity and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; sometimes to enable them to victory of wit and contradiction, and most times for lucre and profession; and seldom sincerely to give a true account

lowing the shadowy moonlight; let him wander in her sylvan suburbs, or linger in her cloistered halls; but let him not catch the din of scholars or teachers, or dine or sup with them, or speak a word to any of the privileged inhabitants; for if he does, the spell will be broken, the poetry and the religion gone, and the palace of enchantment will melt from his embrace into thin air.

* See Advancement of Learning, under Credulity, vol. ii. of this edition, p. 43.

(*a*) Tennison (*b*) Rawley—Tennison.

of their gift of reason, for the benefit and use of man:—as if there were sought in knowledge a couch whereupon to rest a searching and restless spirit; or a terrace for a wandering and variable mind to walk up and down, with a fair prospect; or a tower of state for a proud mind to raise itself upon; or a fort or commanding ground for strife and contention; or a shop for profit and sale; and not a rich store-house for the glory of the Creator and the relief of man's estate."

It was not likely that, with such sentiments he would meet with much sympathy in the university. It was still less probable that the antipathy by which he was opposed would check the ardour of his powerful mind. He went right onward in his course, unmoved by the disapprobation of men who turned from enquiries which they neither encouraged nor understood: and, seeing through the mists, by a light refracted from below the horizon, that knowledge must be raised on other foundations, and built with other materials than had been used through a long tract of many centuries, he continued his enquiries into the laws of nature,(*a*) and planned his immortal work upon which he laboured during the greater part of his life,(*b*) and ultimately published when he was Chancellor, saying, "I have held up a light in the obscurity of Philosophy; which will be seen centuries after I am dead."(*c*)

(*a*) I remember in Trinity College in Cambridge, there was an upper chamber, which being thought weak in the roof of it, was supported by a pillar of iron of the bigness of one's arm in the midst of the chamber; which if you had struck, it would make a little flat noise in the room where it was struck, but it would make a great bomb in the chamber beneath.—Sylva.

(*b*) See note I at end.

(*c*) See the dedication of the Novum Organum to the king. "Mortuus fortasse id effecero, ut illa posteritati, novâ hac accensâ face in philosophiæ tenebris, perlucere possint.

1575. Æt. 15. After two years residence he quitted the university with the conviction not only that these seminaries of learning were stagnant, but that they were opposed to the advancement of knowledge. "In the universities," he says, "they learn nothing but to believe: first, to believe that others know that which they know not; and after, themselves know that which they know not. They are like a becalmed ship; they never move but by the wind of other men's breath, and have no oars of their own to steer withal:"(*d*) and in his Novum Organum, which he published when he was Chancellor, he repeats what he had said when a boy. "In the universities, all things are found opposite to the advancement of the sciences; for the readings and exercises are here so managed that it cannot easily come into any one's mind to think of things out of the common road: or if, here and there, one should venture to use a liberty of judging, he can only impose the task upon himself without obtaining assistance from his fellows; and if he could dispense with this, he will still find his industry and resolution a great hinderance to his fortune. For the studies of men in such places are confined, and pinned down to the writings of certain authors; from which if any man happens to differ, he is presently reprehended as a disturber and innovator."(*e*)

Whether the intellectual gladiatorship by which students in the universities of England are now stimulated, then prevailed, does not appear, but his dislike of this motive he early and always avowed. "It is," he says, "an unavoidable decree with us ever to retain our native candour and simplicity, and not attempt a passage to truth under the conduct of vanity; for, seeking real nature with

(*d*) See the tract in Praise of Knowledge, vol. i. of this edition, page 254.

(*e*) Ax. 90. Lib. i.

all her fruits about her, we should think it a betraying of our trust to infect such a subject either with an ambitious, an ignorant, or any other faulty manner of treating it."(*a*)

Some years after Bacon had quitted Cambridge, he published his opinions upon the defects of universities; (*b*) in which, after having warned the community that, as colleges are established for the communication of the knowledge of our predecessors, there should be a college appropriated to the discovery of new truths, a living spring to mix with the stagnant waters, (*c*) "Let it," he says, "be remembered that there is not any collegiate education of statesmen, and that this has not only a malign influence upon the growth of sciences, but is prejudicial to states and governments, and is the reason why princes find a solitude in regard of able men to serve them in causes of state." (*d*)

(*a*) See the chapter on Vanity, in the admirable work, "Search's Light of Nature:" where the distinction between the Love of Excelling and the Love of Excellence as a motive for acquiring knowledge is fully explained.

(*b*) See note K at the end.

(*c*) See the sixth defect of universities, in Note M at the end, where he says, the "serpent of Moses should devour the serpents of the enchanters."

(*d*) Bacon says, first, therefore, amongst so many great foundations of colleges in Europe, I find strange that they are all dedicated to professions, and none left free to arts and sciences at large. And this I take to be a great cause, that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not any thing you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it. Neither is it to be forgotten, that this dedicating of foundations and dotations to professory learning, hath not only had a malign aspect and influence upon the growth of sciences, but hath also been prejudicial to states and governments. For hence it proceedeth that princes find a solitude in regard of able men to serve them in causes of state, because there is no education collegiate which is free, where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of state. See Note L at the end. This truth, confirmed

These warnings seem to have been disregarded, and the art of governing, not a ship, which would not be attempted without a knowledge of navigation, but the ship of the state, is entrusted, not to a knowledge of the principles of human nature, but to the knowledge of Latin and Greek and verbal criticisms upon the dead languages. (*x*)

And what has been the result? During the last two centuries one class of statesmen has resisted all improvement, and their opponents have been hurried into intemperate alterations: whilst philosophy, lamenting these contentions, has, instead of advancing the science of government, been occupied in counteracting laws founded upon erroneous principles; Erroneous commercial laws; Erroneous laws against civil and religious liberty; and Erroneous criminal laws. (*x*)

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by daily experience, was, fifty years after his death, repeated by Milton, who indignantly says, "when young men quit the university for the trade of law, they ground their purposes, not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions and flowing fees: and, if they quit it for state affairs, they betake themselves to this trust with souls so unprincipled in virtue and true generous breeding, that flattery and court-shifts and tyrannous aphorisms appear to them the highest points of wisdom." After having prescribed the proper order of education, he adds, The next removal must be to the study of politics; to know the beginning, end, and reasons of political societies; that they may not in a dangerous fit of the commonwealth be such poor, shaken, uncertain reeds, of such a tottering conscience, as many of our great counsellors have lately shown themselves, but steadfast pillars of the state. After this they are to drive into the grounds of law and legal justice, delivered first, and with best warrant to Moses, and as far as human prudence can be trusted, in those extolled remains of Grecian lawgivers, Lycurgus, Solon, &c. and thence to all the Roman edicts and tables with their Justinian; and so to the Saxon laws of England. Milton. Education, vol. i. p. 270.

(*x*) "Such," says Milton, "are the errors, such the fruits of mispending our prime youth at schools and universities as we do, either in learning mere words, or such things chiefly as were better unlearned. See his Tract on Education.

So deeply was Bacon impressed with the magnitude of this evil, that, by his will he endowed two lectures in either of the universities, by "a lecturer, whether stranger or English, provided he is not professed in divinity, law, or physic."(*m*)

The subject of universities, and the importance to the community and to the advancement of science, that the spring should not be poisoned or polluted, was ever present to his mind,—and, in the decline of his life, he prepared the plan of a college for the knowledge of the works and creations of God, "from the cedar of Libanus to the moss that groweth out of the wall:" but the plan was framed upon a model so vast, that, without the purse of a prince and the assistance of a people, all attempts to realize it must be vain and hopeless. Some conception of his gorgeous mind in the formation of this college, may appear even at the entrance. Atlantis.

"We have (he says,) two very long and fair galleries: in one of these we place patterns and samples of all manner of the more rare and excellent inventions; in the other we place the statues of all principal inventors. There we have the statue of your Columbus, that discovered the West Indies; also the inventor of ships; your monk that was the inventor of ordnance and of gunpowder; the inventor of music; the inventor of letters; the inventor of printing; the inventor of observations of astronomy; the inventor of works in metal; the inventor of glass; the inventor of silk of the worm; the inventor of wine; the inventor of corn and bread; the inventor of sugars; and all these by more certain tradition than you have. Upon every invention of value, we erect a statue to the inventor, and give him a liberal and honourable reward. These

(*m*) See note M at the end.

statues are some of brass; some of marble and touchstone; some of cedar and other special woods gilt and adorned; some of iron; some of silver; some of gold." (*m*)

Such is the splendour of the portico, or ante-room. Passing beyond it, every thing is to be found which imagination can conceive or reason suggest. (*n*)

(*m*) This entrance to Bacon's college always forces itself on my mind, when I visit the University Library of Cambridge: in which I see the portrait of Mr. Thomas Nicholson, known by the name of Maps, the proprietor of a circulating library, a laborious pioneer in literature. Under his feet are some relics from classic ground, more valuable, perhaps, for their antiquity than for their beauty. Delightful as is the love of antiquity, this artificial retrospective extension of our existence (see Shakespeare's Sonnet 123), might it not be adoned, in the present times, by casts from the Elgin marbles, of which the cost does not exceed £200. By one of the universities (I think it is of Dublin) these casts have been procured. Let any parent of the mind, who considers the various modes by which the heart of a nation is formed (which is beautifully described in Ramsden's sermon on the Cessation of Hostilities), look in Boydell's Shakespeare, at Barry's Cordelia, to be found, most probably, in the Fitzwilliam collection: and let him compare it with the magnificent affecting fainting female in the Elgin marbles, and he will see the benefit which would result from the university containing these valuable relics.

(*n*) We have large and deep caves of several depths: the deepest are sunk six hundred fathom, and some of them are digged and made under great hills and mountains; so that if you reckon together the depth of the hill and the depth of the cave, they are (some of them) above three miles deep: these caves we call the lower region, and we use them for all coagulations, indurations, refrigerations, and conservations of bodies. We use them likewise for the imitation of natural mines, and the producing also of new artificial metals., by compositions and materials.

We have high towers, the highest about half a mile in height, and some of them likewise set upon high mountains, so that the vantage of the hill with the tower is in the highest of them three miles at least. And these places we call the upper region. We use these towers, according to their several heights and situations, for insolation, refrigeration, conservation, and for the view of divers meteors, as winds, rain, snow, hail, and some of the fiery meteors.

We have great lakes, both salt and fresh; whereof we have use for the fish and fowl. We use them also for burials of some natural bodies: for we

After having enumerated all the instruments of knowledge, "Such," he says, "is a relation of the true state of Solomon's house, the end of which foundation is the knowledge of causes, and secret motions of things; and the

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find a difference in things buried in earth, or in air below the earth; and things buried in water. We have also some rocks in the midst of the sea; and some bays upon the shore for some works, wherein is required the air and vapour of the sea. We have likewise violent streams and cataracts, which serve us for many motions: and likewise engines for multiplying and enforcing of winds, to set also on going divers motions.

We have also a number of artificial wells and fountains, made in imitation of the natural sources and baths; as tincted upon vitriol, sulphur, steel, brass, lead, nitre, and other minerals.

We have also great and spacious houses, where we imitate and demonstrate meteors, as snow, hail, rain, some artificial rains of bodies, and not of water, thunders, lightnings.

We have also certain chambers, which we call chambers of health, where we qualify the air as we think good and proper for the cure of divers diseases, and preservation of health. We have also fair and large baths of several mixtures, for the cure of diseases.

We have also large and various orchards and gardens; wherein we do not so much respect beauty, as variety of ground and soil, proper for divers trees and herbs: and some very spacious, where trees and berries are set, whereof we make divers kinds of drinks, besides the vineyards. In these we practise likewise all conclusions of grafting and inoculating, as well of wild trees as fruit-trees, which produceth many effects.

We have also furnaces of great diversities, and that keep great diversity of heats, fierce and quick, strong and constant, soft and mild, blown, quiet, dry, moist, and the like. But above all we have heats, in imitation of the sun's and heavenly bodies heats, that pass divers inequalities, and (as it were) orbs, progresses and returns, whereby we may produce admirable effects.

We procure means of seeing objects afar off, as in the heaven, and remote places; and represent things near as afar off, and things afar off as near, making feigned distances. We have also helps for the sight, far above spectacles and glasses.

We have also parks and enclosures of all sorts of beasts and birds; which we use not only for view or rareness, but likewise for dissections and trials, that thereby we may take light what may be wrought upon the body of man.

enlarging of the bounds of human empire, to the effecting of all things possible." (*n*)

In these glorious inventions of one rich mind, may be traced much of what has been effected in science and mechanics, since Bacon's death, and more that will be effected during the next two centuries.

1576. Æt. 16. France. After three years residence in the university, his father sent him, at the age of sixteen, to Paris, under the care of Sir Amias Paulett, the English ambassador at that court: (*a*) by whom, soon after his arrival, he was entrusted with a mission to the queen, requiring both secrecy and dispatch: which he executed with such ability as to gain the approbation of the queen, and justify Sir Amias in the choice of his youthful messenger.

From the confidence thus reposed in him, and from the

We have also particular pools where we make trials upon fishes, as we have said before of beasts and birds.

We have also places for breed and generation of those kinds of worms and flies which are of special use, such as are with you your silk-worms and bees.

We have also precious stones of all kinds, many of them of great beauty and unknown; crystals and glasses of divers kinds. We represent also ordnance and instruments of war, and engines of all kinds; and likewise new mixtures and compositions of gunpowder, wild-fires burning in water and unquenchable; also fire-works of all variety, both for pleasure and use. We imitate also flights of birds; we have some degrees of flying in the air; we have ships and boats for going under water, and brooking of seas; also swimming girdles and supporters.

We have also sound houses, where we practise and demonstrate all sounds, and their generation. We have harmonies which you have not, of quarter sounds, and lesser slides of sounds. Divers instruments of music, likewise to you unknown, some sweeter than any you have; with bells and rings that are dainty and sweet.

We have also a mathematical house, where are all instruments, as well of geometry as astronomy, exquisitely made. We have also houses of deceits of the senses, &c. &c.

(*n*) See Note N at the end, for an account of the New Atlantis.

(*a*) Rawley, see note O at the end.

impression made upon all with whom he conversed, upon men of letters, with whom he contracted lasting friendships, upon grave statesmen and learned philosophers, it was manifest that the promise in his infancy of excellence, whether for active or for contemplative life, seemed beyond the most sanguine expectation to be realized. (*a*)

After the appointment of Sir Amias Paulett's successor, Bacon travelled into the French provinces, and spent some time at Poictiers. He prepared a work upon Cyphers, (*b*) which he afterwards published, with an outline of the state of Europe, (*c*) but the laws of sound and of imagination continued to occupy his thoughts. (*z*)

(*a*) It is a fact not unworthy of notice, that an eminent artist, to whom, when in Paris, he sat for his portrait, was so conscious of his inability to do justice to his extraordinary intellectual endowments, that he has written on the side of his picture: Si tabula daretur digna animum mallem.—See the last note in the Notes to this Life.

(*b*) In the Augmentis Scientiarum, Lib. vi. speaking of Cyphers, he says, Ut verò suspicio omnis absit, aliud inventum subjiciemus, quod certè cùm adolescentuli essemus Parisiis excogitavimus, nec etiam adhuc visa nobis res digna est quæ pereat. Watts' English Translation of this part is as follows: But that jealousies may be taken away, we will annex another invention, which, in truth, we devised in our youth, when we were at Paris: and is a thing that yet seemeth to us not worthy to be lost. It containeth the highest degree of cypher, which is to signify omnia per omnia, yet so, as the writing infolding, may bear a quintuple proportion to the writing infolded; no other condition or restriction whatsoever is required. See p. 314, of vol. viii. of this edition.

(*c*) See note Q at the end.

(*z*) His meditations were both upon natural science and human sciences, as will appear from the following facts.

In his history of life and death, speaking of the differences between youth and old age, and having enumerated many of them, he proceeds thus: When I was a young man at Poictiers in France, I familiarly conversed with a young gentleman of that country, who was extremely ingenious, but somewhat talkative; he afterwards became a person of great eminence. This gentleman used to inveigh against the manners of old people, and would say, that if one could see their minds as well as their bodies, their minds would appear as deformed as their bodies; and indulging his own

1579. Æt. 19. **Whilst he was engaged in these meditations his father died suddenly, on the 20th February, 1579. He instantly returned to England.**

humour, he pretended, that the defects of old men's minds, in some measure corresponded to the defects of their bodies. Thus dryness of the skin, he said, was answered by impudence; hardness of the viscera, by relentlessness; blear-eyes, by envy; and an evil eye, their down look, and incurvation of the body, by atheism, as no longer, says he, looking up to heaven; the trembling and shaking of the limbs, by unsteadiness and inconstancy; the bending of their fingers as to lay hold of something, by rapacity and avarice; the weakness of their knees, by fearfulness; their wrinkles, by indirect dealings and cunning, &c.*

And again, for echoes upon echoes, there is a rare instance thereof in a place which I will now exactly describe. It is some three or four miles from Paris, near a town called Pont-Charenton; and some bird-bolt shot or more from the river of Sein. The room is a chapel or small church. The walls all standing, both at the sides and at the ends. Speaking at the one end, I did hear it return the voice thirteen several times.(*a*)

There are certain letters that an echo will hardly express; as S for one, especially being principal in a word. I remember well, that when I went to the echo at Pont-Charenton, there was an old Parisian, that took it to be work of spirits, and of good spirits. For, said he, call "Satan," and the echo will not deliver back the devil's name; but will say, "va t'en;" which is as much in French as "apage," or avoid. And thereby I did hap to find, that an echo would not return an S, being but a hissing and an interior sound.(*b*)

So too the nature of imagination continued to interest him. In the Sylva, art. 986,(*c*) he says, the relations touching the force of imagination and the secret instincts of nature are so uncertain, as they require a great deal of examination ere we conclude upon them. I would have it first throughly inquired, whether there be any secret passages of sympathy between persons of near blood; as parents, children, brothers, sisters, nurse-children, husbands, wives, &c. There be many reports in history, that upon the death of persons of such nearness, men have had an inward feeling of it. I myself remember, that being in Paris, and my father dying in London, two or three days before my father's death I had a dream, which I told to divers English gentlemen, that my father's house in the country was plastered all over with black mortar.

* See vol. xiv. of this ed. p. 408.

(*a*) Sylva, art. 249, vol. iv. of this edition, p. 128.

(*b*) Sylva, art. 251, vol. iv. of this edition, p. 129.

(*c*) Vol. iv. of this edition, p. 528.

CHAPTER II.

FROM THE DEATH OF HIS FATHER TILL HE ENGAGED IN ACTIVE LIFE. 1580 to 1590.

DISCOVERING, upon his arrival in England, that, by the sudden death of his father, he was left without a sufficient provision to justify him in devoting his life to contemplation,(*a*) it became necessary for him to select some pursuit for his support, "to think how to live, instead of living only to think."(*c*) 1580. Æt. 20.

Law and Politics were the two roads open before him; in both his family had attained opulence and honor. Law, the dry and thorny study of law, had but little attraction for his discursive and imaginative mind. With the hope, therefore, that, under the protection of his political friends, and the Queen's remembrance of his father, and notice of him when a child, he might escape from the mental slavery of delving in this laborious profession, he made a great effort to secure some small competence, by applying to Lord Burleigh to recommend him to the queen, and interceding with Lady Burleigh to urge his suit with his uncle.(*d*)

(*a*) Rawley Biog. Brit.

(*c*) This is an expression of his own, I forget where.

(*d*) My singular good Lord,

My humble duty remembered, and my humble thanks presented for your lordship's favour and countenance, which it pleased your lordship, at my being with you, to vouchsafe me, above my degree and desert: My

But his application was unsuccessful; the queen and the lord treasurer, distinguished as they were for penetration into character, being little disposed to encourage him to

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letter hath no further errand but to commend unto your lordship the remembrance of my suit, which then I moved unto you; whereof it also pleased your lordship to give me good hearing, so far forth as to promise to tender it unto her majesty, and withal to add, in the behalf of it, that which I may better deliver by letter than by speech; which is, that although it must be confessed that the request is rare and unaccustomed, yet if it be observed how few there be which fall in with the study of the common laws, either being well left or friended, or at their own free election, or forsaking likely success in other studies of more delight, and no less preferment, or setting hand thereunto early, without waste of years; upon such survey made, it may be my case may not seem ordinary, no more than my suit, and so more beseeming unto it. As I forced myself to say this in excuse of my motion, lest it should appear unto your lordship altogether indiscreet and unadvised, so my hope to obtain it resteth only upon your lordship's good affection toward me, and grace with her majesty, who, methinks, needeth never to call for the experience of the thing, where she hath so great and so good of the person which recommendeth it. According to which trust of mine, if it may please your lordship both herein and else where to be my patron, and to make account of me, as one in whose well-doing your lordship hath interest, albeit, indeed, your lordship hath had place to benefit many, and wisdom to make due choice of lighting places for your goodness, yet do I not fear any of your lordship's former experiences for staying my thankfulness borne in art, howsoever God's good pleasure shall enable me or disable me, outwardly, to make proof thereof; for I cannot account your lordship's service distinct from that which I to God and my prince; the performance whereof to best proof and purpose is the meeting point and rendezvous of all my thoughts. Thus I take my leave of your lordship, in humble manner, committing you, as daily in my prayers, so, likewise, at this present, to the merciful protection of the Almighty.

Your most dutiful and bounden Nephew,

From Grey's Inn, B. Fra.
this 16th of September, 1580.

To Lady Burghley, to speak for him to her Lord.

My singular good Lady,

I was as ready to shew myself mindful of my duty, by waiting on your ladyship, at your being in town, as now by writing, had I not feared lest

rely upon others rather than upon himself, and to venture on the quicksands of politics, instead of the certain profession of the law, in which the queen had, when he was a child, predicted that he would one day be "her Lord Keeper."(*d*)

To law, therefore, he was reluctantly obliged to devote himself, and, as it seems, in the year 1580, he was admitted a student of Gray's Inn, of which society his father had for many years been an illustrious member. (*e*)

Having engaged in this profession, he, as was to be expected, encountered and subdued the difficulties and obscurities of the science in which he was doomed to labour, and in which, he, afterwards, was so eminently distinguished, not only by his professional exertions and honours, but by his various valuable works upon different practical parts of

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your ladyship's short stay, and quick return might well spare me, that came of no earnest errand. I am not yet greatly perfect in ceremonies of court, whereof, I know, your ladyship knoweth both the right use, and true value. My thankful and serviceable mind shall be always like itself, howsoever it vary from the common disguising. Your ladyship is wise, and of good nature to discern from what mind every action proceedeth, and to esteem of it accordingly. This is all the message which my letter hath at this time to deliver, unless it please your ladyship further to give me leave to make this request unto you, that it would please your good ladyship, in your letters, wherewith you visit my good lord, to vouchsafe the mention and recommendation of my suit; wherein your ladyship shall bind me more unto you than I can look ever to be able sufficiently to acknowledge. Thus in humble manner, I take my leave of your ladyship, committing you, as daily in my prayers, so, likewise, at this present, to the merciful providence of the Almighty.

Your Ladyship's most dutiful and bounden nephew,

From Grey's Inn, B. Fra.

this 16th of September, 1580.

(*d*) See ante page 111.

(*e*) The admission book at Gray's Inn begins in the year 1580; but the first four pages have been torn out. Bacon's name, however, appears in the list of members of the society, in the year 1581: the book abounds with Lord Bacon's Autographs.

the law,(*a*) and upon the improvement of the science by exploring the principles of universal justice, the laws of law.(*b*)

Extensive as were his legal researches, and great as was his legal knowledge, law was, however, but an accessory, not a principal study.(*c*) It was not to be expected that his mind should confine its researches within the narrow and perplexed study of precedents and authorities. He contracted his sight, when necessary, to the study of the law, but he dilated it to the whole circle of science, and continued his meditations upon his immortal work, which he had projected when in the university.(*d*)

This course of legal and philosophical research was accompanied with such sweetness and affability of deportment, that he gained the affections of the whole society,

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(*a*) See note R at the end, and note C C.

(*b*) See note S at the end.

(*c*) Contemplation feels no hunger, nor is sensible of any thirst, but of that after knowledge. How frequent and exalted a pleasure did David find from his meditation in the divine law? all the day long it was the theme of his thoughts: The affairs of state, the government of his kingdom, might indeed employ, but it was this only that refreshed his mind. How short of this are the delights of the epicure? how vastly disproportionate are the pleasures of the eating and of the thinking man? indeed as different as the silence of an Archimedes in the study of a problem, and the stillness of a sow at her wash.—South.

Being returned from travel, he applied himself to the study of the common-law, which he took upon him to be his profession. Notwithstanding that he professed the law for his livelihood and subsistence, yet his heart and affection was more carried after the affairs and places of state; for which, if the majesty royal then had been pleased, he was most fit. The narrowness of his circumstances obliged him to think of some profession for a subsistence; and he applied himself, more through necessity than choice, to the study of the common law, in which he obtained to great excellence, though he made that (as himself said) but as an accessory, and not his principal study.—Rawley. See note S at the end.

(*d*) See note I at the end.

and the kindness he experienced was not lost upon him. He assisted in their festivities; he beautified their spacious garden, and raised an elegant structure, known for many years after his death, as "The Lord Bacon's Lodgings," in which at intervals he resided till his death. (*b*)

When he was only twenty-six years of age, he was promoted to the bench; (*c*) in his twenty-eighth year he was elected lent reader; (*d*) and the 42nd of Elizabeth he was appointed double reader. 1586. Æt. 26.

His agreeable occupations, and extensive views of science, during his residence in Gray's Inn, did not check his professional exertions. In the year 1586, he applied to the lord treasurer to be called within the bar; (*a*) and in

(*b*) See note T at the end.

(*c*) See note V at the end.

(*d*) Dugdale, in his account of Bacon, says, in 30th Elizabeth, (being then but twenty-eight years of age) the honorable society of Gray's Inn chose him for their lent reader. Orig. p. 295.

(*a*) In the time of Lord Bacon there was a distinction between outer and inner barristers. By the following letter in 1586, it will appear that he applied to the lord treasurer that he might be called within bars.

To the Right Honorable the Lord Treasurer.*

My very good Lord,

I take it as an undoubted sign of your lordship's favour unto me that, being hardly informed of me, you took occasion rather of good advice than of evil opinion thereby. And if your lordship had grounded only upon the said information of theirs, I might and would truly have upholden that few of the matters were justly objected; as the very circumstances do induce, in that they were delivered by men that did misaffect me, and, besides, were to give colour to their own doings. But because your lordship did mingle therewith both a late motion of mine own, and somewhat which you had otherwise heard, I know it to be my duty (and so do I stand affected,) rather to prove your lordship's admonition effectual in my doings hereafter, than causeless by excusing what is past. And yet (with your lordship's pardon humbly asked) it may please you to remember, that I did endeavour to set forth that said motion in such sort as it might breed no harder effect than a denial. And I protest simply before God, that I sought therein an

* Lands. MS. li. art. 5. Orig.

his thirtieth year was sworn queen's counsel learned extraordinary,(*a*) an honor which until that time, had never been conferred upon any member of the profession.

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ease in coming within bars, and not any extraordinary or singular note of favour. And for that your lordship may otherwise have heard of me, it shall make me more wary and circumspect in carriage of myself; indeed I find in my simple observation, that they which live as it were in *umbra* and not in public or frequent action, how moderately and modestly soever they behave themselves, yet *laborant invidia;* I find also that such persons as are of nature bashful (as myself is), whereby they want that plausible familiarity which others have, are often mistaken for proud. But once I know well, and I most humbly beseech your lordship to believe, that arrogancy and overweening is so far from my nature, as if I think well of myself in any thing it is in this, that I am free from that vice. And I hope upon this your lordship's speech, I have entered into those considerations, as my behaviour shall no more deliver me for other than I am. And so wishing unto your lordship all honour, and to myself continuance of your good opinion, with mind and means to deserve it, I humbly take my leave.

Your Lordship's most bounden Nephew,

Grey's Inn, FR. BACON.
this 6th of May, 1586.

(*a*) Rawley, in his life, says, he was after a while, sworn to the queen's counsel learned extraordinary; a grace, if I err not, scarce known before. "He was counsel learned extraordinary to his Majesty, as he had been to Queen Elizabeth." Extract from Biographia Britannica, vol. I. page 373. —He distinguished himself no less in his practice, which was very considerable, and after discharging the office of reader at Grays Inn, which he did, in 1588, when in the twenty-sixth year of his age, he was become so considerable, that the queen who never over valued any man's abilities, thought fit to call him to her service in a way which did him very great honour, by appointing him her council learned in the law extraordinary: by which, though she contributed abundantly to his reputation, yet she added but very little to his fortune, as indeed in this respect he was never much indebted to her majesty, how much soever he might be in all others. He, in his apology respecting Lord Essex, says, "They sent for us of the learned council."

CHAPTER III.

FROM HIS ENTRANCE INTO ACTIVE LIFE TILL HIS DISAPPOINTMENT AS SOLICITOR, 1590 TO 1596.

1590 to 1596. Æt. 30.

He thus entered on public life, submitting, as a lawyer and a statesman, to worldly occupations and the pursuit of worldly honours, that, sooner or later, he might escape into the calm regions of philosophy.

At this period the court was divided into two parties: at the head of the one were the two Cecils; of the other, the Earl of Leicester, and afterwards, his son-in-law, the Earl of Essex.

To the Cecils Bacon was allied. He was the nephew of Lord Burleigh, and first cousin to Sir Robert Cecil, the principal secretary of state; but, connected as he was to the Cecils by blood, his affections were with Essex. Generous, ardent, and highly cultivated, with all the romantic enthusiasm of chivalry, and all the graces and accomplishments of a court, Essex was formed to gain partizans, and attach friends. Attracted by his mind and character, Bacon could have but little sympathy with Burleigh, who thought £100. an extravagant gratuity to the author of the Fairy Queen, which he was pleased to term an "old song,"(*b*) and, probably deemed the listeners to such songs little better than idle dreamers. There was much grave learning and much pedantry at court, but literature of the lighter sort was regarded with coldness, and philosophy

(*b*) See note X at the end.

the distresses of the people, the danger of raising public discontent, and the evil of making so bad a precedent against themselves and posterity.(*a*) With this speech the queen was much displeased, and caused her displeasure to be communicated to Bacon both by the Lord Treasurer and by the Lord Keeper. He heard them with the calmness of a philosopher, saying, that "he spoke in discharge of his conscience and duty to God, to the queen, and to his country; that he well knew the common beaten road to favour, and the impossibility that he who had selected a course of life 'estimate only by the few,' should be approved by the many."(*b*) He said this, not in anger, but in the consciousness of the dignity of his pursuits, and with the full knowledge of the doctrine and consequences both of concealment and revelation of opinion: of the time to speak and the time to be silent. (*c*)

If, after this admonition, he was more cautious in the expression of his sentiments, he did not relax in his parliamentary exertions, or sacrifice the interests of the public at the foot of the throne. He spoke often, and always with such force and eloquence as to insure the attention of the house; and, though he spoke generally on the side of the court, he was regarded as the advocate of the people: a powerful advocate, according to his friend, Ben Jonson, who thus speaks of his parliamentary eloquence: "There happened in my time one noble speaker who was full of gravity in his speaking: his language, where he could spare or pass by a jest was nobly censorious. No man ever spake more neatly, more pressly, more weightily, or suffered less emptiness, less idleness in what he uttered: no member of his speech but consisted of its own graces. His hearers could not cough or look aside from him without loss: he commanded when he spoke, and had his judges angry and

(*a*) See note D D at the end. (*b*) See note E E at the end.
(*c*) See note F F at the end.

pleased at his devotion. No man had their affections more in his power: the fear of every man that heard him was lest he should make an end."

It would have been fortunate for society if this check had impressed upon his mind the vanity of attempting to unite the scarcely reconcileable characters of the philosopher and the courtier. His high birth and elegant taste unfitted Bacon for the common walks of life, and by surrounding him with artificial wants, compelled him to exertions uncongenial to his nature: but the love of truth, of his country, and an undying spirit of improvement, ever in the train of knowledge, ill suited him for the trammels in which he was expected to move. Through the whole of his life he endeavoured to burst his bonds, and escape from law and politics, from mental slavery to intellectual liberty. Perhaps the charge of inconsistency, so often preferred against him, may be attributed to the varying impulse of such opposite motives.*

In the spring of 1594, (*a*) by the promotion of Sir Edward Coke to the office of Attorney General, the Solicitorship became vacant. This had been foreseen by Bacon, and, from his near alliance to the Lord Treasurer; from the friendship of Lord Essex; from the honourable testimony of the bar and of the bench; from the protection he had a right to hope for from the Queen, for his father's sake; from the consciousness of his own merits and of the weakness of his competitors, Bacon could scarcely doubt of his success. He did not, however, rest in an idle security; for though, to use his own expression, he was "voiced with great expectation, and the wishes of all men," yet he strenuously applied to the Lord Keeper, to Lord Burleigh, 1594. Æt. 34.

* During this year he published a tract, containing observations upon a libel. See vol. v. of this edition, p. 384.

(*a*) 10 April, Dug. Orig.

to Sir Robert Cecil, and to his noble friend Lord Essex, to further his suit.

To the Lord Keeper Puckering he applied as to a lawyer, having no sympathy with his pursuits or value for his attainments, in the hope of preventing his opposition, rather than from any expectation of his support;(*a*) and he calculated rightly upon the Lord Keeper's disposition towards him, for, either hurt by Bacon's manner, of which he appeared to have complained,(*b*) or from the usual antipathy of common minds to intellectual superiority, the Lord Keeper represented to the Queen that two lawyers, of the names of Brograve and Brathwayte, were more meritorious candidates.(*c*) Of the conduct of the Lord Keeper he felt and spoke indignantly. "If," he says, "it please your lordship but to call to mind from whom I am descended, and by whom, next to God, her Majesty, and your own virtue, your lordship is ascended, I know you will have a compunction of mind to do me any wrong."(*d*)

To Lord Burleigh he applied as to his relation and patron, and, as a motive to ensure his protection, he intimated his intention to devote himself to legal pursuits, an intimation likely to be of more efficacy to this statesman than the assurance that the completion of the Novum Organum depended upon his success:(*e*) and he formed a correct estimate of the Lord Treasurer, who strongly interceded with the Queen, and kindly communicated to Bacon the motives by which she was influenced against him.(*f*)

To Sir Robert Cecil he also applied, as to a kinsman; and, during the course of his solicitation, having suspected that he had been bribed by his opponent, openly accused

(*a*) See note H H at the end.
(*b*) See note I I at the end.
(*c*) See note K K at the end.
(*d*) See note L L at the end.
(*e*) See note M M at the end.
(*f*) See note N N at the end.

him; but, having discovered his error, he immediately acknowledged that his suspicions were unfounded. (*a*) He still, however, maintained that there had been treachery somewhere, and that a word the Queen had used against him had been put into her mouth by Sir Robert's messenger.

Essex, with all the zeal of his noble and ardent nature, endeavoured to influence the Queen on behalf of his friend, by every power which he possessed over her affections and her understanding; (*b*) availing himself of the most happy moments to address her, refuting all the reasons which she could adduce against his promotion, and representing the rejection of his suit as an injustice to the public, and a great unkindness to himself. Not content with these earnest solicitations, Essex applied to every person by whom the Queen was likely to be influenced.

That Bacon had a powerful enemy was evinced not only by the whole of Elizabeth's conduct during this protracted suit, but by the anger with which she met the earnest pleadings of Essex; by her perpetual refusals to come to any decision, and above all, by her remarkable expressions, that "Bacon had a great wit, and much learning, but that in law he could show to the uttermost of his knowledge, and was not deep." Essex was convinced that this enemy was the Lord Keeper, to whom he wrote, desiring "that the Lord Keeper would no longer consider him a suitor for Bacon, but for himself; that upon him would light the disgrace as well of the protraction as of the refusal of the suit; and complained with much bitterness of those who ought to be Bacon's friends. (*c*)

(*a*) See note O O at the end. (*b*) See note P P at the end.

(*c*) *To the Right Honourable the Lord Keeper, &c.*—My very good Lord, The want of assistance from them which should be Mr. Fr. Bacon's friends, makes [me] the more industrious myself, and the more earnest in

To the Queen, Bacon applied by a letter worthy them both. He addressed her respectfully, but with full consciousness that he deserved the appointment, a that he had not deserved the reprimand he had receiv from her Majesty, for the honest exercise of his duty parliament. Apologizing for his boldness and plainnes he told the Queen, "that his mind turned upon oth wheels than those of profit; that he sought no great matte but a place in his profession, often given to younger mer that he had never sought her but by her own desire, an that he would not wrong himself by doing it at that tim when it might be thought he did it for profit; and that i her majesty found other and abler men, he should be gla there was such choice of them. (*a*) This letter, accordin to the custom of the times, he accompanied by a present o a jewel. (*f*) When the Queen, with the usual propert of royalty, not to forget, mentioned his speech in parlia ment which yet rankled in her mind, (*b*) and with ar antipathy, unworthy of her love of letters, said, "he wa rather a man of study, than of practice and experience;" he reminded her of his father, who was made solicitor of the Augmentation Office when he was only twenty-seven years old, and had never practised, and that Mr. Brograve,

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soliciting mine own friends. Upon me the labour must lie of his establishment, and upon me the disgrace will light of his being refused. Therefore I pray your lordship, now account me not as a solicitor only of my friend's cause, but as a party interested in this; and employ all your lordship's favour to me, or strength for me, in procuring a short and speedy end. For though I know it will never be carried any other way, yet I hold both my friend and myself disgraced by this protraction. More I would write, but that I know to so honourable and kind a friend, this which I have said is enough. And so I commend your lordship to God's best protection, resting, at your Lordship's commandment,—Essex.

(*a*) See note Q Q at the end. (*b*) See note S S at the end.

(*f*) See note R R at the end.

who had been recommended by the Lord Keeper, was without practice. (*a*)

This contest lasted from April 1594 till November 1595; and what at first was merely doubt and hesitation in the Queen's mind, became a struggle against the ascendency, which she was conscious Essex had obtained over her, as she more than once urged that "if either party were to give way it ought to be Essex; that his affection for Bacon should yield to her mislike. (*l*) Of this latent cause Essex became sensible, and said to Bacon, "I never found the Queen passionate against you till I was passionate for you." (*m*)

Such was the nature of this contest, which was so long protracted, that success could not compensate for the trouble of the pursuit; of this, and of the difficulties of his situation, he bitterly complained. "To be," he said, "like a child following a bird, which when he is nearest flieth away and lighteth a little before, and then the child after it again. I am weary of it, as also of wearying my good friends." (*n*)

On the 5th of November, 1596, (*o*) Mr. Serjeant Fleming was appointed Solicitor-General, to the surprise of the public, and the deep-felt mortification of Bacon, and of his patron and friend, Lord Essex. The mortification of Essex partook strongly of the extremes of his character; of the generous regard of wounded affection, and the bitter vexation of wounded pride: he complained that a man, every way worthy had "fared ill, because he had made him a mean and dependence;" but he did not rest here: he generously undertook the care of Bacon's future

1596. Æt. 36. Fleming Solicitor.

(*a*) See note T T at the end.

(*l*) See note P P, letter beginning "I went yesterday."

(*m*) See note P P, letter beginning "I have received."

(*n*) See note V V at the end.

(*o*) See Dug. Orig. Jud.

fortunes, and, by the gift of an estate, worth about £1800. at the beautiful village of Twickenham, endeavoured to remunerate him for his great loss of time and grievous disappointment. (*a*)

How bitterly Bacon felt the disgrace of the Queen's rejection is apparent by his own letter, where he says, that "rejected with such circumstances, he could no longer look upon his friends, and that he should travel, and hoped that her majesty would not be offended that, no longer able to endure the sun, he had fled into the shade." (*b*)

His greatest annoyance during this contest had arisen from the interruption of thoughts generally devoted to higher things. After a short retirement, "where he once again enjoyed the blessings of contemplation in that sweet solitariness which collecteth the mind, as shutting the eyes does the sight," during which he seems to have invented an instrument resembling a barometer, (*c*) he resumed his usual habits of study, consoled by the consciousness of worth, which, though it may at first embitter defeat from a sense of injustice, never fails ultimately to mitigate disappointment, by ensuring the sympathy of the wise and the good.

This cloud soon passed away; for, though Bacon had stooped to politics, his mind, when he resumed his natural position, was far above the agitation of disappointed ambition. During his retirement he wrote to the Queen, expressing his submission to the providence of God, which he says findeth it expedient for me "*tolerare jugum in juventute mea;*" and assuring her majesty that her service should not be injured by any want of his exertions. (*d*) His forbearance was not lost upon the Queen, who, satisfied with her victory, soon afterwards, with an expression of

(*a*) See note W W at the end.
(*b*) See note X X at the end.
(*c*) See note Y Y at the end.
(*d*) See note Z Z at the end.

kindness, employed him in her service: and some effort was made to create a new vacancy, by the advancement of Fleming. (*a*)

During the contest, the University of Cambridge had conferred upon him the degree of master of arts, (*b*) and he had in the first throes of vexation declared his intention of retiring there, a resolution, which, unfortunately for philosophy, he did not put into practice. (*x*)

In the year 1596 Bacon completed a valuable tract upon the elements and use of the common law. (*c*) It consists in the first part of twenty-five legal maxims, (*d*) as specimens selected from three hundred, (*e*) in which he was desirous to establish in the science of law, as he was anxious to establish in all science, general truths for the diminution of individual labour, and the foundation of future discoveries: and, his opinion being, that general truths could be discovered only by an extensive collection of particulars, he proceeded in this work upon the plan suggested in his Novum Organum. (*f*) 1596. Æt. 36. Elements of Law.

In the second part he explains the use of the law for the security of persons, reputation, and property; which, with the greatest anxiety to advance freedom of thought and liberty of action, he well knew and always inculcated, was to be obtained only by the strength of the law restraining and directing individual strength. (*z*) In Orpheus's Theatre, he says, all beasts and birds assembled, and forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound

(*a*) See note 3 A at the end.
(*b*) See note 3 B at the end.
(*c*) See note 3 C at the end.
(*d*) See note 3 D at the end.
(*e*) See note 3 E at the end.
(*f*) See note 3 F at the end.
(*x*) See note X X at the end.
(*z*) In societati civili, aut lex aut vis valet. *Justitia Universalis.*

whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men: who are full of savage and unreclaimed desires of profit, of lust, of revenge, which as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence, and persuasion of books, of sermons, of harangues; so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion."

His preface contains his favourite doctrine, that "there is a debt of obligation from every member of a profession to assist in improving the science in which he has successfully practised,(*a*) and he dedicated his work to the Queen, as a sheaf and cluster of fruit of the good and favourable season enjoyed by the nation, from the influence of her happy government, by which the people were taught that part of the study of a good prince was to adorn and honour times of peace by the improvement of the laws. Although this tract was written in the year 1596, and although he was always a great admirer of Elizabeth, it was not published till after his death. (*a*)

The exertions which had been made by Essex to obtain the solicitorship for his friend, and his generous anxiety to mitigate his disappointment, had united them by the strongest bonds of affection.

In the summer of 1596, Essex was appointed to the command of an expedition against Spain; and though he was much troubled during the embarkation of his troops, by the want of discipline in the soldiery, chiefly volunteers, and by the contentions of their officers, too equal to be easily commanded, yet he did not forget the interests of Bacon, but wrote from Plymouth to the new-placed lord

(*a*) See note 3 G at the end.

keeper, and to all his friends in power, strongly recommending him to their protection. (*a*)

In the early part of the year 1597 his first publication appeared. It is a small 12mo. volume of Essays, (*b*) Religious Meditations, and a Table of the Colours of Good and Evil. In his dedication to his loving and beloved brother, he states that he published to check the circulation of spurious copies, "like some owners of orchards, who gathered the fruit before it was ripe, to prevent stealing;" and he expresses his conviction that there was nothing in the volume contrary, but rather medicinable to religion and manners, and his hope that the Essays would, to use his own words, "be like the late new halfpence, which, though the pieces were small, the silver was good." (*b*) 1597. Æt. 37. Essays.

The Essays, which are ten (*e*) in number, abound with condensed thought and practical wisdom, neatly, pressly, and weightily stated, (*f*) and, like all his early works, are simple, without imagery. (*m*) They are written in his favourite style of aphorisms, (*m*) although each essay is apparently a continued work; (*h*) and without that love of

(*a*) See note 3 H at the end. (*b*) See note 3 I at the end.

(*e*) 1. Of Study.
2. Of Discourse.
3. Of Ceremonies and Respect.
4. Of Followers and Friends.
5. Suitors.
6. Of Expense.
7. Of Regiment of Health.
8. Of Honour and Reputation.
9. Of Faction.
10. Of Negociating.

(*f*) See Ben Jonson's description of his speaking in parliament, ante, xxviii.

(*m*) See note 3 K at the end.

(*h*) The following is selected as a specimen from his first essay "*Of Study*:"

¶ Reade not to contradict, nor to believe, but to waigh and consider.

antithesis and false glitter to which truth and justness of thought is frequently sacrificed by the writers of maxims.

Another edition, with a translation of the Meditationes Sacræ, was published in the next year; and a third in 1612, when he was solicitor-general; and a fourth in 1625, the year before his death.

The Essays in the subsequent editions are much augmented, according to his own words: "I always alter when I add, so that nothing is finished till all is finished," and they are adorned by happy and familiar illustration, as in the essay of "Wisdom for a Man's self," which concludes in the edition of 1625 with the following extract, not to be found in the previous edition:—"Wisdom for a man's self is in many branches thereof a depraved thing. It is the wisdom of rats, that will be sure to leave a house somewhat before it fall. It is the wisdom of the fox, that thrusts out the badger, who digged and made room for him. It is the wisdom of crocodiles, that shed tears when they would devour. But that which is specially to be noted is, that those which, as Cicero says of Pompey, are *sui amantes sine rivali*, are many times unfortunate. And whereas they have all their time sacrificed to themselves, they become in the end themselves sacrifices to the inconstancy of fortune, whose wings they thought by their self-wisdom to have pinioned."

So in the essay upon Adversity, on which he had deeply reflected, before the edition of 1625, when it first appeared, he says: "The virtue of prosperity is temperance, the

¶ Some bookes are to be tasted, others to be swallowed, and some few to be chewed and digested. That is, some bookes are to be read only in partes; others to be read but cursorily, and some few to be read wholly and with diligence and attention.

¶ Histories make men wise, poets wittie, the mathematicks subtle, natural philosophie deepe, moral, grave; logicke and rhetoricke able to contend.

virtue of adversity is fortitude, which in morals is the more heroical virtue. Prosperity is the blessing of the Old Testament, adversity is the blessing of the New, which carrieth the greater benediction, and the clearer revelation of God's favour. Yet even in the Old Testament, if you listen to David's harp, you shall hear as many hearse-like airs as carols; and the pencil of the Holy Ghost hath laboured more in describing the afflictions of Job than the felicities of Solomon. Prosperity is not without many fears and distastes; and adversity is not without comforts and hopes. We see in needleworks and embroideries, it is more pleasing to have a lively work upon a sad and solemn ground, than to have a dark and melancholy work upon a lightsome ground: judge, therefore, of the pleasure of the heart by the pleasure of the eye. Certainly virtue is like precious odours, most fragrant when they are incensed, or crushed: for prosperity doth best discover vice, but adversity doth best discover virtue."

The essays were immediately translated into French and Italian, and into Latin by some of his friends, amongst whom were Hacket, Bishop of Litchfield, and his constant affectionate friend, Ben Jonson. (*i*)

His own estimate of the value of this work is thus stated in his letter to the Bishop of Winchester: "As for my Essays, and some other particulars of that nature, I count them but as the recreations of my other studies, and in that manner purpose to continue them; though I am not ignorant that these kind of writings would, with less pains and assiduity, perhaps yield more lustre and reputation to my name than the others I have in hand."

Although it was not likely that such lustre and reputation would dazzle him, the admirer of Phocion, (*k*) who,

(*i*) Tennison. See note (*a*), p. 226. (*k*) Apothegm. 30, vol. i. p. 356.

when applauded, turned to one of his friends, and asked, "what have I said amiss?" although popular judgment was not likely to mislead him who concludes his observations upon the objections to learning and the advantages of knowledge, by saying, "Nevertheless I do not pretend, and I know it will be impossible for me, by any pleading of mine, to reverse the judgment either of Æsop's cock, that preferred the barleycorn before the gem; or of Midas, that being chosen judge between Apollo, president of the muses, and Pan, god of the flocks, judged for plenty; or of Paris, that judged for beauty and love against wisdom and power. For these things continue as they have been; but so will that also continue whereupon learning hath ever relied, and which faileth not. 'Justificata est sapientia a filiis suis:'"(*a*) yet he seems to have undervalued this little work, which, for two centuries, has been favourably received by every lover of knowledge and of beauty, and is now so well appreciated, that a celebrated professor of our own times truly says: "The small volume to which he has given the title of "Essays," the best known and the most popular of all his works, is one of those where the superiority of his genius appears to the greatest advantage; the novelty and depth of his reflections often receiving a strong relief from the triteness of the subject. It may be read from beginning to end in a few hours, and yet after the twentieth perusal one seldom fails to remark in it something overlooked before. This, indeed, is a characteristic of all Bacon's writings, and is only to be accounted for by the inexhaustible aliment they furnish to our own thoughts, and the sympathetic activity they impart to our torpid faculties." (*b*)

During his life six or more editions, which seem to have

(*a*) See vol. ii. p. 88. (*b*) Dugald Stewart.

been pirated, were published; and, after his death, two spurious essays "Of Death," and "Of a King," the only authentic posthumous essay being the fragment of an essay on Fame, which was published by his friend and chaplain, Dr. Rawley.

The sacred meditations, which are twelve in number,(*a*) are in the first edition in Latin, and have been partly incorporated into subsequent editions of the Essays, and into the Advancement of Learning. (*b*)

The Colours of Good and Evil are ten in number, and were afterwards inserted in the Advancement of Learning,(*c*) in his tract on Rhetoric.

Such was the nature of his first work, which was gratefully received by his learned contemporaries, as the little cloud seen by the prophet, and welcomed as the harbinger of showers that would fertilise the whole country.

1598. Æt. 38. Proposed marriage.

While, in this year, the Earl of Essex was preparing for his voyage, Bacon communicated to him his intention of making a proposal of marriage to the Lady Hatton, the wealthy widow of Sir William Hatton, and daughter of Sir Thomas Cecil, and desired his lordship's interest in support of his pretensions, trusting, he said, "that the beams of his lordship's pen might dissolve the coldness of his

(*a*) Of the Works of God and Man.
Of the Miracles of our Saviour.
Of the Innocency of the Dove, and the Wisdom of the Serpent.
Of the Exaltation of Charity.
Of the Moderation of Cares.
Of Earthly Hope.
Of Hypocrites.
Of Impostors.
Of the several kinds of Imposture.
Of Atheism.
Of Heresies
Of the Church and the Scripture.

(*b*) See note 3 L at the end. (*c*) See vol. ii. p. 212.

fortune."(a) Essex with his wonted zeal, warmly advocated the cause of his friend; he wrote in the strongest terms to the father and mother of the lady, assuring them "that if Bacon's suit had been to his own sister or daughter, he would as confidently further it, as he now endeavoured to persuade them." Neither Bacon's merit, or the generous warmth of his noble patron touched the heart of the lady, who, fortunately for Bacon, afterwards became the wife of his great rival, Sir Edward Coke. (b)

1598. Æt. 38. In this year he seems to have been in great pecuniary difficulties, (c) which, however they may have interrupted, did not prevent his studies; for, amidst his professional and political labours, he published a new edition of his Essays, (d) and composed a law tract, not published until some years after his death, entitled the History of the Alienation Office. (e)

1599. Æt. 39. Statute of Uses. In the year 1599, the celebrated case of Perpetuities, which had been argued many times at the bar of the King's Bench, was on account of its difficulty and great importance, ordered to be argued in the Exchequer Chamber before all the judges of England; (f) and after a first argument by Coke, Solicitor-General, a second argument was directed, and Bacon was selected to discharge this arduous duty, to which he seems to have given his whole mind; and although Sir Edward Coke, in his report, states that he did not hear the arguments, the case is reported at great length, and the reasoning has not been lost, for the

(a) See note 3 M at the end.

(b) See note 3 N at the end.

(c) See note 3 O at the end.

(d) It differs from the edition of 1597 only in having the Meditationes Sacræ in English instead of Latin.

(e) See note 3 P at the end.

(f) 1 Coke, 121, p. 287.

manuscript exists,(a) and seems to have been incorporated in his reading on the statute of uses to the society of Gray's Inn.

He thus commences his address to the students: "I have chosen to read upon the Statute of Uses, a law whereupon the inheritances of this realm are tossed at this day, like a ship upon the sea, in such sort, that it is hard to say which bark will sink, and which will get to the haven; that is to say, what assurances will stand good, and what will not. Neither is this any lack or default in the pilots, the grave and learned judges; but the tides and currents of received error, and unwarranted and abusive experience have been so strong, as they were not able to keep a right course according to the law. Herein, though I could not be ignorant either of the difficulty of the matter, which he that taketh in hand shall soon find, or much less of my own unableness, which I had continual sense and feeling of; yet, because I had more means of absolution than the younger sort, and more leisure than the greater sort, I did think it not impossible to work some profitable effect; the rather because where an inferior wit is bent and constant upon one subject, he shall many times, with patience and meditation, dissolve and undo many of the knots, which a greater wit, distracted with many matters, would rather cut in two than unknit: and, at the least, if my invention or judgment be too barren or too weak, yet by the benefit of other arts, I did hope to dispose or digest the authorities and opinions which are in cases of uses in such order and method, as they should take light one from another, though they took no light from me."

He then proceeds in a luminous exposition of the statute, of which a celebrated lawyer of our times,(b) says:

(a) See note 3 Q at the end. (b) Mr. Hargrave.

"Lord Bacon's reading on the Statute of Uses is a very profound treatise on the subject, so far as it goes, and shows that he had the clearest conception of one of the most abstruse parts of our law. What might we not have expected from the hands of such a master, if his vast mind had not so embraced within its compass the whole field of science, as very much to detach him from his professional studies?"(*b*)

There is an observation of the same nature by a celebrated professor in another department of science, Sir John Hawkins, who, in his History of Music, says, "Lord Bacon, in his Natural History has given a great variety of experiments touching music, that show him to have not been barely a philosopher, an inquirer into the phenomena of sound, but a master of the science of harmony, and very intimately acquainted with the precepts of musical composition." And, in coincidence with his lordship's sentiments of harmony, he quotes the following passage: "The sweetest and best harmony is when every part or instrument is not heard by itself, but a conflation of them all, which requireth to stand some distance off, even as it is in the mixtures of perfumes, or the taking of the smells of several flowers in the air."(*b*)

With these legal and literary occupations he continued without intermission his parliamentary exertions, there not having been during the latter part of the Queen's reign any debate in which he was not a distinguished speaker, or any important committee of which he was not an active member. (*d*)

Ireland. 1599. Æt. 39.

Early in the year 1599 a large body of the Irish, denied the protection of the laws, and hunted like wild beasts by an insolent soldiery, fled the neighbourhood of cities, shel-

(*b*) See note 3 R at the end.

(*d*) See note 3 S at the end.

tered themselves in their marshes and forests, and grew every day more intractable and dangerous; it became necessary, therefore, that some vigorous measures should be adopted to restrain their excesses.

A powerful army was raised, of which the command was intended by the Queen to be conferred upon Lord Mountjoy; but Essex solicited an employment, which at once gratified his ambition and suited the ardour of his character, and which his enemies sought for him more zealously than his friends, foreseeing the loss of the Queen's favour, from the certainty of his absence from court, and the probable failure of his expedition.

Difference with Essex.

From the year 1596 till this period there had been some interruption of the intimacy between Bacon and Essex, arising from the honest expression of his opinion of the unwise and unworthy use which Essex made of his power over the Queen. Notwithstanding the temporary estrangement which this difference of opinion occasioned, Essex was unwilling to accept this important command without consulting his intelligent friend.

Bacon's narrative gives a striking picture of both parties. He says, "Sure I am (though I can arrogate nothing to myself but that I was a faithful remembrance to his lordship) that while I had most credit with him his fortune went on best. And yet in two main points we always directly and contradictorily differed, which I will mention to your lordship, because it giveth light to all that followed. The one was, I ever set this down, that the only course to be held with the Queen was by obsequiousness and observance; and I remember I would usually engage confidently, that if he would take that course constantly, and with choice of good particulars to express it, the Queen would be brought in time to Assuerus' question, to ask, What should be done to the man that the king would honour?

meaning, that her goodness was without limit, where there was a true concurrence, which I knew in her nature to be true. My lord, on the other side, had a settled opinion, that the Queen could be brought to nothing but by a kind of necessity and authority; and I well remember, when by violent courses at any time he had got his will, he would ask me: Now sir, whose principles be true? And I would again say to him: My lord, these courses be like to hot waters, they will help at a pang; but if you use them, you shall spoil the stomach, and you shall be fain still to make them stronger and stronger, and yet in the end they will lese their operation: with much other variety, wherewith I used to touch that string. Another point was, that I always vehemently dissuaded him from seeking greatness by a military dependence, or by a popular dependence, as that which would breed in the Queen jealousy, in himself presumption, and in the state perturbation; and I did usually compare them to Icarus' two wings which were joined on with wax, and would make him venture to soar too high, and then fail him at the height. And I would further say unto him: My Lord, stand upon two feet, and fly not upon two wings. The two feet are the two kinds of justice, commutative and distributive: use your greatness for advancing of merit and virtue, and relieving wrongs and burdens, you shall need no other art or fineness: but he would tell me, that opinion came not from my mind, but from my robe. But this difference in two points so main and material, bred in process of time a discontinuance of privateness (as it is the manner of men seldom to communicate where they think their courses not approved) between his lordship and myself; so as I was not called nor advised with for some year and a half before his lordship's going into Ireland, as in former time: yet nevertheless, touching his going into Ireland, it pleased him

expressly and in a set manner to desire mine opinion and counsel." (*a*)

Thus consulted, Bacon, with prophetic wisdom, warned him of the ruin that would inevitably result from his acceptance of an appointment, attended not only with peculiar difficulties, which from habit and temper he was unfit to encounter, but also with the certain loss of the Queen's favour, from his absence, and the constant plotting of his enemies. Essex heard this advice, urged as it was, with an anxiety almost parental, as advice is generally heard when opposed to strong passion. It was totally disregarded. It is but justice to Bacon to hear his own words. He says: "I did not only dissuade, but protest against his going, telling him with as much vehemency and asseveration as I could, that absence in that kind would exulcerate the Queen's mind, whereby it would not be possible for him to carry himself so as to give her sufficient contentment; nor for her to carry herself so as to give him sufficient countenance, which would be ill for her, ill for him, and ill for the state. And because I would omit no argument, I remember I stood also upon the difficulty of the action: many other reasons I used, so as I am sure I never in any thing in my lifetime dealt with him in like earnestness by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained, as it were by destiny to that journey, as it is possible for a man to ground a judgment upon future contingents. But my lord, howsoever his ear was open, yet his heart and resolution was shut against that advice, whereby his ruin might have been prevented." (*a*) Dissuades Essex.

It did not require Bacon's sagacity to foresee these sad consequences. Elizabeth had given an unwilling assent

(*a*) Bacon's Apology, see vol. vi. p. 245.

to the appointment, and, though accustomed to yield to the vehement demands of her favorite, was neither blind to his faults, or slow in remembering them, when his absence gave her time for reflection; but she shared with all monarchs the common wish to obtain the disinterested affection of those whom she distinguished with her favour. (*a*)

By the loss of Leicester, and the recent death of Burleigh, she was left in the decline of her life "in a solitude of friends," when Essex, of a character more congenial to the Queen than either of those noblemen, became, between twenty and thirty years of age, a candidate for court favour. Well read, highly born, accomplished, and imbued with the romantic chivalry of the times, he amused her by his gaiety, and flattered her by his gallantry; the rash ingenuousness of his temper gave an air of sincerity to all his words and actions, while strength of will, and a daring and lofty spirit like her own, lessened the distance between them, and completed the ascendancy which he gained over her affections; an ascendency which, even if the Queen had not been surrounded by his rivals and enemies, could not but be diminished by his absence.

1599. Æt. 39. Essex lieutenant.

In March, 1599, he was appointed lord lieutenant, and, attended with the flower of the nobility and the acclamations of the people, he quitted London, and in the latter end of the month arrived at Dublin. From this time until his return, the whole of his actions were marked by a strong determination that his will should be paramount to that of the Queen.

The first indication of his struggle for power was the appointment, against the express wish of the Queen, of his friend, Lord Southampton, to be general of the horse, which he was ordered to rescind. Essex, who had much personal courage, and who would have distinguished him-

(*a*) See note 3 T at the end.

self at a tournament, or a passage at arms, being totally unfit to manage an expedition requiring all the skill, experience, and patient endurance of a veteran soldier, the whole campaign was a series of rash enterprize, neglected opportunity, and relaxed discipline, involving himself and his country in defeat and disgrace. By this ill-advised conduct he so completely aliened the minds of his soldiers, that they were put to flight by an inferior number of the enemy; at which Essex was so much enraged, that he cashiered all the officers, and decimated the men.

1597. Æt. 37.

Intercession with Queen.

Bacon, seeing how truly he had prophesied, and observing the pain felt by the Queen, availed himself of every opportunity to prevent his ruin in her affections. "After my lord's going," he says, "I saw then how true a prophet I was, in regard of the evident alteration which naturally succeeded in the Queen's mind, and thereupon I was still in watch to find the best occasion that in the weakness of my power I could either take or minister, to pull him out of the fire if it had been possible; and not long after, me thought I saw some overture thereof, which I apprehended readily, a particularity I think be known to very few, and the which I do the rather relate unto your lordship, because I hear it should be talked, that while my lord was in Ireland I revealed some matters against him, or I cannot tell what; which if it were not a mere slander as the rest is, but had any, though never so little colour, was surely upon this occasion. The Queen one day at Nonsuch, a little (as I remember) before Cuffes coming over, I attending on her, showed a passionate distaste of my lord's proceedings in Ireland, as if they were unfortunate, without judgment, contemptuous, and not without some private end of his own, and all that might be, and was pleased, as she spake of it to many that she trusted least, so to fall into the like speech with me; whereupon I who was still awake, and

true to my grounds which I thought surest for my lord's good, said to this effect: Madam, I know not the particulars of estate, and I know this, that princes' actions must have no abrupt periods or conclusions, but otherwise I would think, that if you had my lord of Essex here with a white staff in his hand, as my lord of Leicester had, and continued him still about you for society to yourself, and for an honour and ornament to your attendance and court in the eyes of your people, and in the eyes of foreign ambassadors, then were he in his right element; for, to discontent him as you do, and yet to put arms and power into his hands, may be a kind of temptation to make him prove cumbersome and unruly. And therefore if you would *imponere bonam clausulam*, and send for him, and satisfy him with honour near you, if your affairs, which (as I have said) I am not acquainted with, will permit it, I think were the best way."(*a*)

Return of Essex.

These kind exertions for his friend were, however, wholly defeated by the haughtiness and imprudence of Essex, who, to the just remonstrances of the Queen, gave no other answers than peevish complaints of his enemies; and, to the astonishment of all persons, he, without her permission, returned to England, arrived before any person could be apprised of his intention, and, the Queen not being in London, he, without stopping to change his dress, or to take any refreshment, proceeded to Nonsuch, where the court was held. Travel-stained as he was, he sought the Queen in her chamber, and found her newly risen, with her hair about her face. He kneeled to her, and kissed her hands. Elizabeth, taken by surprise, gave way to all her partiality for him, and to the pleasure she always had in his company. He left her presence well pleased with his reception, and thanked God, though he had suffered much

(*a*) Bacon's Apology, vol. vi. p. 254.

trouble and storm abroad, that he found a sweet calm at home. He had another conference for an hour with the Queen before midday, from which he returned well contented with his future prospects, receiving the visits of the whole court, Cecil and his party excepted. (*b*)

During the day the Queen saw her ministers. (*c*) After dinner he found her much changed: she received him coldly, and appointed the lords to hear him in council that very afternoon. After sitting an hour, they adjourned the court to a full council on the next day; but, between eleven and twelve at night, an order came from the Queen that Essex should keep his chamber. (*d*) Confinement of Essex to his chamber.

On the next day the lords met in council, and presented a favourable report to the Queen, who said she would pause and consider it, Essex still continuing captive in his chamber, (*e*) from whence the Queen ordered him to be committed into custody, lest, having his liberty, he might be far withdrawn from his duty through the corrupt counsels of turbulent men, not however to any prison, lest she might seem to destroy all hope of her ancient favor, but to the Lord Keeper's, at York House, to which in the afternoon he was taken from Nonsuch. (*f*) To York House.

Bacon's steady friendship again manifested itself. He wrote to Essex the moment he heard of his arrival, and in an interview between them, he urged the advice which he had communicated in his letter. This letter and advice are fortunately preserved. In his letter he says: My Lord, conceiving that your lordship came now up in the person of a good servant to see your sovereign mistress, which Bacon's steady friendship.

(*b*) See Sydney Papers, 117—127. Camden and Birch.

(*c*) See Sydney Papers. Michaelmas day at noon, (vol. ii. p. 127) containing the account of the different persons who hastened to court on that day.

(*d*) Sydney Papers, vol. ii. p. 129.

(*e*) Sydney Papers, 130—133

(*f*) Sydney Papers, 131-9.

kind of compliments are many times "instar magnorum meritorum;" and therefore that it would be hard for me to find you, I have committed to this poor paper the humble salutations of him that is more yours than any man's, and more yours than any man. To these salutations, I add a due and joyful gratulation, confessing that your lordship, in your last conference with me before your journey, spake not in vain, God making it good, that you trusted we should say, "quis putasset?" Which, as it is found true in a happy sense, so I wish you do not find another "quis putasset," in the manner of taking this so great a service; but I hope it is as he said, "nubecula est citò transibit;" and that your lordship's wisdom and obsequious circumspection and patience will turn all to the best. So referring all to some time that I may attend you, I commit you to God's best preservation.

And his advice is thus stated by Bacon: "Well, the next news that I heard, was that my lord was come over, and that he was committed to his chamber for leaving Ireland without the Queen's licence: this was at Nonsuch, where (as my duty was) I came to his lordship, and talked with him privately about a quarter of an hour, and he asked mine opinion of the course that was taken with him; I told him: My lord, *nubecula est, cito transibit:* it is but a mist; but shall I tell your lordship it is as mists are, if it go upwards, it may perhaps cause a shower, if downwards it will clear up. And therefore, good my lord, carry it so, as you take away by all means all umbrages and distastes from the Queen, and especially if I were worthy to advise you, (as I have been by yourself thought, and now your question imports the continuance of that opinion) observe three points: first, make not this cessation or peace, which is concluded with Tyrone, as a service wherein you glory, but as a shuffling up of a prosecution which was not very fortunate. Next, represent not to the Queen any necessity of estate, whereby,

as by a coercion or wrench, she should think herself enforced to send you back into Ireland; but leave it to her. Thirdly, seek access, importune, opportune, seriously, sportingly, every way. I remember my lord was willing to hear me, but spake very few words, and shaked his head sometimes, as if he thought I was in the wrong; but sure I am, he did just contrary in every one of these three points." (*a*)

Private investigation in Star Chamber.

After his committal to the Lord Keeper's there was great fluctuation of opinion with respect to his probable fate. On one day the hope of his restoration to favour prevailed; on the next, as the Queen, by brooding over the misconduct of Essex, by additional accounts of the consequences of his errors in Ireland, by turbulent speeches and seditious pamphlets, was much exasperated, his ruin was predicted. Pamphlets were circulated and suppressed; there were various conferences at York House between the different statesmen and Essex; and it was ultimately determined that the matter should be investigated, not by public accusation, but by a declaration in the Star Chamber, in the absence of Essex, of the nature of his misconduct. Such was the result of the Queen's conflict between public opinion and her affection for Essex. (*b*)

Bacon objects.

In this perplexity she consulted Bacon, who from this, and from any proceeding, earnestly dissuaded the Queen, and warned her that, from the popularity of Essex and this unusual mode of accusation, it would be said that justice had her balance taken from her; and that, instead of promoting, it would interrupt the public tranquillity. She heard and was offended with his advice, and acted in direct opposition to it. At an assembly of privy councellors, of judges, and of statesmen, held on the 30th of November, they declared, without his being heard in his defence, the nature of Essex's misconduct; a proceeding which, as

A. D. 1597.

(*a*) Bacon's Apology, vol. vi. p. 254. (*b*) Sydney Papers, 131—139.

Bacon foretold, and which the Queen too late acknowledged, aggravated the public discontent. At this assembly Bacon was not present, which, when his absence was mentioned by the Queen, he excused by indisposition. (*g*)

Bacon's account of this proceeding is as follows: "Immediately after the Queen had thought of a course (which was also executed) to have somewhat published in the Star Chamber, for the satisfaction of the world, touching my lord of Essex his restraint, and my lord of Essex not to be called to it, but occasion to be taken by reason of some libels then dispersed; which when her majesty propounded unto me, I was utterly against it, and told her plainly that the people would say, that my lord was wounded upon his back, and that justice had her balance taken from her, which ever consisted of an accusation and defence, with many other quick and significant terms to that purpose; insomuch that I remember I said, that my lord *in foro famæ* was too hard for her; and therefore wished her, as I had done before, to wrap it up privately: and certainly I offended her at that time, which was rare with me; for I call to mind that both the Christmas, Lent, and Easter Term following, though I came divers times to her upon law business, yet me thought her face and manner was not so clear and open to me, as it was at the first. But towards the end of Easter term, her majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star Chamber had done no good, but rather kindled factious bruits, as she termed them, than quenched them." (*h*)

If the partizans of Essex had acted with the cautious wisdom of Bacon, the Queen's affections undisturbed would have run kindly into their old channel, but his

(*g*) Bacon's Apology, vol. vi. p. 262.
(*h*) Sydney Papers, vol. ii. p. 138—164.

followers, by new seditious discourses and offensive placards, never gave her indignation time to cool. About Christmas, Essex from agitation of mind, and protracted confinement, fell into a dangerous illness, and the Queen sent to him some kind messages by her own physician, but his enemies persuaded her that his illness was partly feigned; and when at last his near approach to death softened the Queen in his favour, the injudicious expressions of those divines who publicly prayed for him, amounting to sedition, entirely hardened her heart against him. Upon the earl's recovery, and after some months patient endurance on his part, the Queen desired to restore him to favor; and on the 19th of March Essex was removed to his own house, in the custody of Sir Richard Barkley. (*i*)

Apology for Essex.

About three years previous to his accepting the command in Ireland, Essex published a tract, entitled "An Apologie of the Earl of Essex against(*k*) those which jealously and maliciously tax him to be the hinderer of the peace and quiet of his country." This tract originated, as it seems, in an admonition of Bacon's, which he thus states: "I remember, upon his voyage to the islands, I saw every spring put forth such actions of charge and provocation, that I said to him, my lord, when I came first unto you I took you for a physician that desired to cure the diseases of the state; but now I doubt you will be like those physicians which can be content to keep their patients low, because they would always be in request: which plainness he nevertheless took very well, as he had an excellent ear, and was *patientissimus veri*, and assured me the case of the realm required it; and I think this speech of mine, and the like renewed afterwards, pricked him to write that apology which is in many men's hands." (*l*)

(*i*) Sydney Papers, 149. (*k*) See note 3 V at the end.
(*l*) Bacon's Apology, vol. vi. p. 254.

Essex had scarcely been liberated, when the Apology was reprinted by some injudicious partisan. The Queen, greatly exasperated, ordered two of the printers to be imprisoned, and meditated proceedings against Essex; but he having written to the Archbishop of Canterbury and various of his friends, and having ordered the publishers to suppress the work, the storm was averted.(*l*) The spirit in which the republication of this tract originated extended to the circulation of other libels,(*m*) so reflecting upon the conduct of the Queen, that she said the subject should be publicly examined; and, acknowledging the foresight of Bacon with respect to the former inquiry, she consulted him as to the expediency of proceeding by information.

Public proceeding against Essex.

Against this or any proceeding Bacon earnestly protested; and, although the honest expression of his sentiments so much offended the Queen that she rose from him in displeasure, it had the effect of suspending her determination for some weeks, though she ultimately ordered that Essex should be accused in the Star Chamber.

The following is Bacon's account of this resolution: "After this, during the while since my lord was committed to my Lord Keeper's, I came divers times to the Queen, as I had used to do, about causes of her revenue and law business: when the Queen at any time asked mine opinion of my lord's case, I ever in one tenor, besought her majesty to be advised again and again, how she brought the cause into any public question: nay, I went further, for I told her my lord was an eloquent and well spoken man, and besides his eloquence of nature or art, he had an eloquence of accident which passed them both, which was the pity and benevolence of his hearers; and therefore wished the conclusion might be, that they might wrap it up privately

(*l*) Sydney Papers, vol. ii. 182-5-7, 191-2-3.
(*m*) Sydney Papers, vol. ii. 196 to 199.

between themselves, and that she would restore my lord to his former attendance, with some addition of honour to take away discontent. But towards the end of Easter term her majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star Chamber had done no good, but rather kindled factious bruits (as she termed them) than quenched them, and therefore that she was determined now for the satisfaction of the world, to proceed against my lord in the Star Chamber, by an information *ore tenus*, and to have my lord brought to his answer; howbeit she said, she would assure me that whatsoever she did should be towards my lord *ad castigationem, et non ad destructionem*, as indeed she had often repeated the same phrase before: whereunto I said, to the end utterly to divert her, Madam, if you will have me speak to you in this argument, I must speak to you as Friar Bacon's head spake, that said first, Time is, and then Time was, and Time would never be; for certainly, said I, it is now far too late, the matter is cold, and hath taken too much wind; whereat she seemed again offended, and rose from me, and that resolution for a while continued; and after, in the beginning of Midsummer term, I attending her, and finding her settled in that resolution, which I heard of also otherwise, she falling upon the like speech, it is true, that seeing no other remedy, I said to her slightly, Why, madam, if you will needs have a proceeding, you were best have it in some such sort as Ovid spake of his mistress, *Est aliquid luce patente minus*, to make a council-table matter of it, and there an end; which speech again she seemed to take in ill part, but yet I think it did good at that time, and helped to divert that course of proceeding by information in the Star Chamber. Nevertheless, afterwards it pleased her to make a more solemn matter of the proceeding, and some few days after, when

order was given that the matter should be heard at York House, before an assembly of councillors, peers, and judges and some audience of men of quality to be admitted." (*n*)

Such were the measures adopted by the Queen to dispel as she termed them, "the bruits and malicious imputations" of her people; but, jealous of their affections, she resented every murmur of public disapprobation by some new severity to Essex; and her conduct, neither marked by strict justice, or generous forgiveness, exhibited more of the caprice of an angry woman than the steady resentment of an offended monarch. What calamities would have been averted, if, instead of suffering herself to be hurried by this conflict of agitated feelings, the Queen had attended to the advice of Bacon, whose care for her honour and love for his friend, might have been safely trusted, and who looking through the present, decided upon consequences with a certainty almost prophetic. The most profound statesman of the present day, possessed of all the light which history gives him, can add nothing to the prudent politic course which Bacon pointed out to the Queen. She rejected this advice with a blind despotism that would neither be counselled with or against her inclinations, and fearing and suspecting all around her, ruined the man she wished to save, and eventually made total wreck of her own peace of mind.

It was determined that proceedings should be instituted; but, as the Queen assured Bacon, only "ad *castigationem* non ad *destructionem*," not to taint the character of Essex, by which he might be rendered unable to bear office about her person, but before a selected council, "*inter domesticos parietes, non luce forensi.*" (*o*) This resolution having been formed, the Queen's counsel learned in the law, were

(*n*) See note 3 W at the end. (*o*) See 3 X at the end.

assembled to determine upon the mode of proceeding. At this meeting, it was said (*p*) by one of the courtiers, that her majesty was not resolved whether Mr. Bacon should act in this trial as one of her counsel. What must have passed in his mind when he heard this observation! He knew enough of the common charities of courts to suspect every thing. He knew that the Queen looked with great jealousy and distrust at his having "crossed her disposition" by his steady friendship for Essex. He saw, therefore, that whether this remark was a stratagem to sound his intentions, or that some attempt had been made to ruin him in the Queen's opinion, by inducing her to suppose that he would sacrifice her to the popular clamour of which she was too sensible, it required his immediate and vigilant attention. In this situation of no common difficulty the conflict of his various duties, to the Queen, to Essex, and to himself, were instantly present to his mind.

Bacon counsel against Essex.

To the Queen he was under the greatest obligation: she was the friend of his father, and had been his friend from his infancy; she consulted with him in all her difficulties; she had conferred upon him a valuable reversion of 2000*l.* a year, had promoted him to be her counsel, and, what perhaps was her greatest kindness, instead of having hastily advanced him, she had, with a continuance of her friendship, made him bear the yoke in his youth. Such were his obligations to Elizabeth, of whom he never spoke but with affection for her virtues, and respect for her commanding intellect.

Bacon's obligation to the Queen.

He had also great esteem for the virtues of Essex, and great admiration of the higher powers of his mind. He felt for him with all the hopes and fears of a parent for a

Friendship for Essex.

(*p*) See note 3 Y at the end.

wayward child, and with all the affection of a friend, from a deep feeling of his constant regard, and the grateful recollection of what, in the common world, would be deemed of more importance, an act of pecuniary kindness, not, as in these cases is generally supposed, to purchase, but to procure his liberty of thought and action.

Of his relative duties to the Queen and to Essex no man was a more competent judge than Bacon: no man was better, none so well grounded in the true rules of this difficult part of moral science. In his tract on Duty, in the Advancement of Learning, he truly says, "There is formed in every thing a double nature of good; the one as every thing is a total or substantive in itself, the other as it is a part or member of a greater body; whereof the latter is in degree the greater and the worthier. This double nature of good and the comparative thereof is much more engraven upon man, if he degenerate not, unto whom the conservation of duty to the public ought to be much more precious than the conservation of life and being, according to that memorable speech of Pompeius Magnus, when being in commission of purveyance for a famine at Rome, and being dissuaded with great vehemency and instance by his friends about him, that he should not hazard himself to sea in an extremity of weather, he said only to them, 'Necesse est ut eam non ut vivam.'" (r) And when Essex proffered him assistance, he, weighing these duties, admonished his friend that this was not to interfere with his duty to his sovereign. His words were, "I must and will ever acknowledge my lord's love, trust, and favour towards me, after the Queen had denied me the solicitor's place, when he said, You have spent your time and thoughts in my matters; I die, these were his very words, if I do not somewhat towards your fortune. My answer, I remember,

(r) See note 3 Z at the end.

was that for my fortune it was no great matter; but that his lordship's offer (which was of a piece of land worth about £1800.) made me call to mind what was wont to be said when I was in France of the Duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations. He bad me take no care for that, and pressed it; whereupon I said, "my lord, I see I must be your homager, and hold land of your gift; but do you know the manner of doing homage in law? Always it is with a saving of his faith to the king and his other lords."(*a*)

Bacon's duty to himself.

His considerations were not, however, confined to his duties to the Queen and to Essex, but extended to the peculiar situation in which, with respect to his own worldly prospects, he was placed. He saw that, if he did not plead against Essex, all his hopes of advancement might, without any benefit to his friend, be destroyed; and that if he did plead against him, he should be exposed to obloquy and misrepresentation. The consideration of his worldly prospects were to him and to the community of great importance.

It is, perhaps, to be lamented that, formed for contemplation, he was induced, either by his necessities, or any erroneous notion of the virtue of activity, to engage in public life, but he was always unskilful to note the card of prudent lore, and it was his favourite opinion that, to dignify and exalt knowledge, contemplation and action should be nearly and strongly conjoined and united together: a conjunction like unto that of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action.

Having engaged and encountered all the difficulties of his profession, he was entitled, by his commanding intellect, to possess the power, which, although it had not prece-

(*a*) Bacon's Apology.

dence in his thoughts, followed regularly in the train of his duty; not the common vulgar power, from ostentation, loving trivial pomp and city noise; or from ambition, which, like the sealed dove, mounts and mounts because it is unable to look about it; but power to advance science and promote merit, according to his maxim and in the spirit of his own words "detur digniori." (*s*) "Power to do good is the true and lawful end of aspiring; for good thoughts, though God accept them, yet towards men are little better than good dreams, except they be put in act; and that cannot be without power and place, as the vantage and commanding ground." With these prospects before him he could not be so weak as hastily to abandon them, by yielding to that generous illusion by which the noblest minds are often raised in their own esteem by imagined disinterestedness.

His professional duties.

With respect to his professional duties he was in less difficulty. He knew that his conduct would be subject "to envy and peril," but knowing also that these aspersions would originate in good feeling, in the supposition of ingratitude and disregard of truth, he could not be alarmed at the clamours of those who knew not what they did. To consider every suggestion, in favour and in opposition to any opinion is, according to his doctrine in the Novum Organum, the only solid foundation upon which any judgment, even in the calm inquiries of philosophy, can be formed. In public assemblies, therefore, agitated by passions by which the progress of truth is disturbed, he of all men knew and admired the wise constitution of our courts, (*t*) in which it has been deemed expedient, that, to elicit truth, the judge should hear the opposite statements of the same (*t*) or of different powerful disinterested minds, who may be more able than

(*s*) See note 4 A at the end. (*t*) See note 4 B at the end.

the suitors to do justice to the causes upon which their interests depend. A more efficacious mode to disentangle difficulty, to expose falsehood, and discover truth, was, perhaps, never devised. It prevents the influence of passions by which truth may be impeded, and calls in aid every intellectual power by which justice may be advanced. He was not likely, therefore, to be moved by the censures of those who, ignorant of the principle upon which this practice is founded, imagine advocates to be indiscriminate defenders of right and wrong, (*x*) instead of being officers assisting in the administration of justice, and acting under the impression that truth is best discovered by powerful statements on both sides of the question. He was not likely to be moved by that ignorant censure which mixes the counsel with his client, instead of knowing that the advocate is indifferent on which side he pleads, whether for the most unfortunate or the most prosperous, for the most virtuous or the most abandoned member of the community; and that, if he were not indifferent,—if he were to exercise any discretion as to the party for whom he pleads, the course of justice would be interrupted by prejudice to the suitor, and the exclusion of integrity from the profession. The suitor would be prejudiced in proportion to the respectability of the advocate who had shrunk from his defence, and the weight of character of the counsel would be evidence in the cause. Integrity would be excluded from the profession, as the counsel would necessarily be associated with the cause of his client; with the slanderer, the adulterer, the murderer, or the traitor, whom it may be his duty to defend.

Such were the various conflicting duties by which a common mind might have been perplexed; but, strong in

(*x*) See note 4 B at the end.

knowledge, he, without embarrassment, looked steadily at the undefined shapes of difficulty and danger, of possible mistake or mischance, and, without any of the vacillation in which contemplative genius is too apt to indulge, he saw instantly the path of his duty, and steadily advanced in it. He saw that, if he acted in obedience to general rules, he ought neither to desert the Queen, or to bereave himself of the power to do good. If, not adhering to general rules, he exercised his own understanding upon the particular circumstances of the case, he saw that, by yielding to popular feeling, he might gain momentary applause, might leave Essex to a merciless opponent, and, by depriving himself of all influence over the Queen, might sacrifice his friend at the foot of the throne.

Bacon's Letter to the Queen.

He therefore wrote instantly to the Queen, and, by this sagacious and determined conduct, having at once defeated the stratagems by which it was vainly hoped that he would be entangled, he, regardless of the senseless clamour of those who praise they know not what, and know not whom; of those who could neither be put in possession of his real sentiments towards Essex, or the private communications on his behalf with the Queen, went right onward with his own, and the approbation of intelligence.

The following is Bacon's own account of this extraordinary event:—And then did some principal counsellors send for us of the learned counsel, and notify her majesty's pleasure unto us: save that it was said to me openly by one of them, that her majesty was not yet resolved whether she would have me forborn in the business or no. And hereupon might arise that other sinister and untrue speech that, I hear, is raised of me, how I was a suitor to be used against my lord of Essex at that time; for it is very true, that I that knew well what had passed between the Queen and me, and what occasion I had given her both of distaste

and distrust, in crossing her disposition, by standing steadfastly for my lord of Essex, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of compliment, signifying to her majesty, "That if she would be pleased to spare me in my lord of Essex's cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours: but otherwise desiring her majesty to think that I knew the degrees of duties; and that no particular obligation whatsoever to any subject could supplant or weaken that entireness of duty that I did owe and bear to her and her service." And this was the goodly suit I made, being a respect no man that had his wits could have omitted: but nevertheless I had a farther reach in it; for I judged that day's work would be a full period of any bitterness or harshness between the Queen and my lord: and therefore, if I declared myself fully according to her mind at that time, which could not do my lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my lord service.

The proceedings after this communication to the Queen are thus stated by Bacon:—"Hereupon the next news that I heard was, that we were all sent for again; and that her majesty's pleasure was, we all should have parts in the business; and the lords falling into distribution of our parts, it was allotted to me, that I should set forth some undutiful carriage of my lord, in giving occasion and countenance to a seditious pamphlet, as it was termed, which was dedicated unto him, which was the book before mentioned of King Henry IV. Whereupon I replied to that allotment, and said to their lordships, That it was an old matter, and had no manner of coherence with the rest of the charge, being matters of Ireland: and therefore, that I having been wronged by bruits before, this would expose

me to them more; and it would be said I gave in evidence mine own tales. It was answered again with good shew, that because it was considered how I stood tied to my lord of Essex, therefore that part was thought fittest for me, which did him least hurt; for that whereas all the rest was matter of charge and accusation, this only was but matter of caveat and admonition. Wherewith though I was in mine own mind little satisfied, because I knew well a man were better to be charged with some faults, than admonished of some others; yet the conclusion binding upon the queen's pleasure directly, 'volens nolens,' I could not avoid that part that was laid upon me." (*a*)

June, 1600. Æt. 40 Trial of Essex.

On the 5th of June, 1600, this trial took place. It was marked by the same indecision that had characterised the whole of the Queen's conduct. To give effect to her wishes that Essex should be censured, not sentenced, each man had his part allotted; and lest this mark of her disapprobation should hereafter be urged against him, she commanded that no official record should be kept of the proceedings, that he might not be rendered incapable of bearing office in her household.

The privy council met at the lord keeper's house, and were assisted by noblemen selected for that purpose. The commissioners were eighteen, the auditory about two hundred; there was much state and solemnity in the assembly, and much humility and contrition on the part of Essex, who knelt while the commission was opened, and so remained till he had leave to rise. From this mode of conduct, which, doubtless, had been prescribed to him, he never departed but once during his examination, and he was then reminded by the lord treasurer of the course he was expected to pursue.

(*a*) See Bacon's Apology, vol. vi. 264.

The case was opened by a statement, that "to command down the winds of malicious and seditious rumours wherewith men's conceits may have been tossed to and fro, the Queen was pleased to call the world to an understanding of her princely course held towards the Earl of Essex, as well in herebefore protracting, as in now proceeding against him, not in the ordinary and open place of offenders and criminals, which might leave a taint upon his honour, but, on account of his penitence and submission, her majesty had ordered that the hearing should be before a great, honourable, and selected council, a full and deliberate, and yet in respect a private, mild, and gracious hearing." The chief heads of the accusation were then stated by the lawyers, who, with the exception of Bacon, either not in the court secret, or disregarding their instructions, pursued their argument with their usual pertinacity, coloured by the respective characters of the men, and of course, by Sir Edward Coke, with his accustomed rancour. Bacon, on the contrary, though he was favoured with a part of the charge least likely to be injurious to Essex, still complained that he might injure his friend, and, though in array against him, evidently fought on his side. (*a*)

To those persons present who were not already apprised of the Queen's wishes, Bacon's speech would be considered more consistent with his affection for his friend than his duty to the Queen, as it was constructed as much as possible to do him service. "I hope," he said, "that my lord Essex himself, and all who now hear me, will consider that the particular bond of duty, which I do now, and ever will acknowledge that I owe unto his lordship, must be sequestered and laid aside, in discharge of that higher duty, which we all owe unto the Queen, whose grace and

(*a*) See note 4 C at the end for a full account of the trial.

mercy I cannot enough extol; whereof the earl is a singular work, in that, upon his humble suit, she is content not to prosecute him in her court of justice, the Star Chamber, but, according to his own earnest desire, to remove that cup from him, for those are my lord's own words, and doth now suffer his cause to be heard *inter privatos parietes*, by way of mercy and favour only, where no manner of disloyalty is laid to his charge, for if that had been the question this had not been the place." In this strain he proceeded through the whole of his address.

He constantly kept in view the Queen's determination neither to injure her favourite in person nor in purse; he averred that there was no charge of disloyalty; he stated nothing as a lawyer; nothing from his own ingenious mind; nothing that could displease the Queen; he repeated only passages from letters, in the Queen's possession, complaining of her cruelty and obduracy; topics which she loved to have set forth in her intercourse with a man whom she was thought to have too much favoured; he selected the most affecting expressions from the earl's letter, and though he at last performed his part of the task, by touching upon Hayward's book, he established in the minds of the hearers the fact that Essex had called in the work a week after he learnt that it was published.

To those who are familiar with Bacon's style, and know the fertility of his imagination, and the force of his reasoning, it is superfluous to observe that he brought to this semblance of a trial only the shadow of a speech; and that under the flimsy veil of an accuser there may easily be detected the face of a friend.

In answer to these charges, Essex, on his knees, declared that, ever since it had pleased her majesty to remove that cup from him, he had laid aside all thought of justifying himself, or of making any contestation with his sovereign;

that he had made a divorce between himself and the world, and that, rather than bear a charge of disloyalty or want of affection, he would tear his heart out of his breast with his own hands. The first part of his defence drew tears from many of the hearers; but, being somewhat touched by the sharp speeches and rhetorical flourishes of his accusers, he expressed himself with so much heat, before he had gone half through with his reply, that he was interrupted by the lord keeper, who told him "this was not the course to do him good; that he would do well to commit himself to her majesty's mercy; that he was acquitted by all present of disloyalty, of which he did not stand charged, but of disobedience and contempt; and if he meant to say that he had disobeyed, without an intention of disobedience, it was frivolous and absurd."

In pronouncing the censure, the lord keeper declared, that if Essex had been tried elsewhere, and in another manner, a great fine and imprisonment for life must have been his sentence, but as he was in a course of favour, his censure was, "That the Earl of Essex should be suspended from his offices, and continue a prisoner in his own house till it pleased her majesty to release him." The Earl of Cumberland declared, that, if he thought the censure was to stand, he would ask more time, for it seemed to him somewhat severe; and intimated how easily a general commander might incur the like, but, in confidence of her majesty's mercy, he agreed with the rest.

Of this day's proceedings a confused and imperfect account has been published by several historians,(*a*) and an unfair view taken of the conduct of Bacon, who could not have any assignable motive for the course they have attributed to him. The Queen was evidently determined to

(*a*) See particularly Hume.

protect her favourite. The Cecils had abated their animosity. The people were anxious for his reinstatement. Anthony Bacon was at this time living under the protection of Essex, and the brothers were in constant and affectionate intercourse.

6th June, 1600. The sentence had scarcely been pronounced, when Bacon's anxiety for his friend again manifested itself. On the very next day he attended the Queen, fully resolved to exert his utmost endeavours to restore Essex again to favour. The account of his interview with the Queen, from which his friendship and the Queen's affection for Essex may be seen, is thus stated by Bacon: "As soon as this day was past, I lost no time; but the very next day following, as I remember, I attended her majesty, fully resolved to try and put in ure my utmost endeavour, so far as I in my weakness could give furtherance, to bring my lord again speedily into court and favour; and knowing, as I supposed at least, how the Queen was to be used, I thought that to make her conceive that the matter went well then, was the way to make her leave off there; and I remember well I said to her, 'You have now, madam, obtained victory over two things, which the greatest princes in the world cannot at their wills subdue; the one is over fame; the other is over a great mind: for surely the world is now, I hope, reasonably well satisfied; and for my lord, he did shew that humiliation towards your majesty, as I am persuaded he was never in his lifetime more fit for your majesty's favour than he is now: therefore, if your majesty will not mar it by lingering, but give over at the best, and now you have made so good a full point, receive him again with tenderness, I shall then think, that all that is past is for the best.' Whereat, I remember, she took exceeding great contentment, and did often iterate and put me in mind, that she had ever said, that her proceedings

should be 'ad reparationem,' and not 'ad ruinam;' as who saith, that now was the time I should well perceive that that saying of hers should prove true. And farther she willed me to set down in writing all that passed that day."(*a*)

In a few days Bacon waited upon the Queen with the narrative, who, upon hearing him read Essex's answer, which was his principal care, "was exceedingly moved in kindness and relenting," and said, "How well you have expressed my lord's part: I perceive old love will not easily be forgotten." Availing himself of these favourable dispositions, Bacon ventured to say to the Queen, "he hoped she meant that of herself;" and in the conclusion suggested that it might be expedient not to let this matter go forth to the public, since by her own command no record had been kept, and that it was not well to do that popularly which she had not suffered to be done judicially. The Queen assented, and the narrative was suppressed. (*b*)

(*a*) See Bacon's Apology, vol. vi. 266.

(*b*) Bacon's account is as follows:—I obeyed her commandment, and within some few days after brought her again the narration, which I did read unto her in two several afternoons; and when I came to that part that set forth my lord's own answer, which was my principal care, I do well bear in mind, that she was extraordinarily moved with it, in kindness and relenting towards my lord: and told me afterwards, speaking how well I had expressed my lord's part, that she perceived old love would not easily be forgotten: whereunto I answered suddenly, that I hoped she meant that by herself. But in conclusion, I did advise her, that now she had taken a representation of the matter to herself, that she would let it go no farther: "For madam," said I, "the fire blazeth well already, what should you tumble it? And besides, it may please you to keep a convenience with yourself in this case; for since your express direction was, there should be no register nor clerk to take this sentence, nor no record or memorial made up of the proceeding, why should you now do that popularly, which you would not admit to be done judicially?" Whereupon she did agree that that writing should be suppressed; and I think there were not five persons that ever saw it.—Apology, vol. vi. 267.

Obloquy of Bacon.

Amidst these exertions, known at that time only to the Queen, to Essex, and to his confidential friends, Bacon was exposed to great obloquy, and, at the time when he was thinking only how he could most and best serve his friend, he was threatened by the populace with personal violence, as one who had deserted and betrayed him. Unmoved by such clamour, upon which he had calculated, (*a*) he went right onward in his course.

To Sir Robert Cecil, and to Lord Henry Howard, the confidential friend of Essex, and who had willingly shared his banishment from court, he indignantly complained of these slanders and threats. To Lord Howard he says: (*b*) "My Lord, There be very few besides yourself, to whom I would perform this respect. For I contemn *mendacia famæ*, as it walks among inferiors, though I neglect it not, as it may have entrance into some ears. For your lordship's love, rooted upon good opinion, I esteem it highly, because I have tasted the fruits of it; and we both have tasted of the best waters, in my account, to knit minds together. There is shaped a tale in London's forge, that beateth apace at this time, that I should deliver

(*a*) His Apology to the Earl of Devonshire contains various observations to this effect:—I was not so unseen in the world, but I knew the condition was subject to envy and peril, &c. but I resolved to endure it, in expectation of better. Acording to the ordinary charities of court, it was given out, that I was one of them that incensed the Queen against my lord of Essex; and I must give this testimony to my lord Cecil, that one time in his house at the Savoy he dealt with me directly, and said to me, "Cousin, I hear it, but I believe it not, that you should do some ill office to my lord of Essex; for my part, I am merely passive, and not active in this action; and I follow the Queen, and that heavily, and I lead her not; my lord of Essex is one that in nature I could consent with as well as with any one living; the Queen indeed is my sovereign, and I am her creature, I may not lose her, and the same course I would wish you to take." Whereupon I satisfied him how far I was from any such mind.

(*b*) Birch, 459.

opinion to the Queen, in my lord of Essex' cause. First, that it was premunire, and now last, that it was high treason; and this opinion, to be in opposition and encounter of the Lord Chief Justice's opinion, and the Attorney General's. My lord, I thank God, my wit serveth me not to deliver any opinion to the Queen, which my stomach serveth me not to maintain: one and the same conscience of duty guiding me and fortifying me. But the untruth of this fable, God and my sovereign can witness, and there I leave it; knowing no more remedy against lies than others do against libels. The root, no question of it is, partly some light-headed envy at my accesses to her majesty; which being begun, and continued since my childhood, as long as her majesty shall think me worthy of them, I scorn those that shall think the contrary. And another reason is, the aspersion of this tale, and the envy thereof, upon some greater man, in regard of my nearness. And therefore, my lord, I pray you answer for me to any person that you think worthy your own reply and my defence. For my lord of Essex, I am not servile to him, having regard to my superior's duty. I have been much bound unto him; and, on the other side, I have spent more time and more thoughts about his well doing than ever I did about mine own. I pray God you his friends amongst you be in the right. *Nulla remedia, tam faciunt dolorem, quam quæ sunt salutaria.* For my part, I have deserved better than to have my name objected to envy, or my life to a ruffian's violence. But I have the privy coat of a good conscience. I am sure these courses and bruits hurt my lord more than all. So having written to your lordship, I desire exceedingly to be preferred in your good opinion and love. And so leave you to God's goodness." (*x*)

(*x*) The letter to Sir Rob. Cecil is to the same effect. See vol. xii. p. 168.

The answer of Lord Howard to this letter, the best answer that could be made to the slanderers of whom Bacon complains, is as follows: "I might be thought unworthy of that good conceit you hold of me, good Mr. Bacon, if I did not sympathize with so sensitive a mind in this smart of wrongful imputation of unthankfulness. You were the first that gave me notice, I protest, at Richmond of the rumour, though within two days after I heard more than I would of it; but as you suffer more than you deserve, so I cannot believe what the greedy malice of the world hath laid upon you. The travels of that worthy gentleman in your behalf, when you stood for a place of credit; the delight which he hath ever taken in your company; his grief that he could not seal up assurance of his love by fruits, effects, and offices proportionable to an infinite desire; his study, in my knowledge, to engage your love by the best means he could devise, are forcible persuasions and instances to make me judge that a gentleman so well born, a wise gentleman so well levelled, a gentleman so highly valued by a person of his virtue, worth, and quality, will rather hunt after all occasions of expressing thankfulness, so far as duty doth permit, than either omit opportunity or increase indignation. No man alive out of the thoughts of judgment, the ground of knowledge, and lesson of experience, is better able to distinguish betwixt public and private offices, and direct measure in keeping a measure in discharge of both, to which I will refer you for the finding out of the golden number. In my own particular opinion I esteem of you as I have ever done and your rare parts deserve; and so far as my voice hath credit, justify your credit according to the warrant of your profession, and the store of my best wishes in all degrees towards you, &c. My credit is so weak in working any strange effect of friendship where I would do most, as to

speak of blossoms without giving tastes of fruits were idleness; but if you will give credit to my words, it is not long since I gave testimony of my good affection in the ear of one that neither wants desire nor means to do for you. Thus wishing to your credit that allowance of respect and reverence which your wise and honest letter doth deserve, and resting ever ready to relieve all minds (so far as my ability and means will stretch) that groan under the burthen of undeserved wrong, I commend you to God's protection and myself to the best use you will make of me. In haste from my lodging," &c.

The partizans of Essex again interfered, to raise the flames which Bacon had so judiciously suppressed, and again were the Queen's ministers compelled to check their imprudence.

On the 12th of June, the lord keeper, in his usual speech in the Star Chamber to the country gentlemen, mentioned the late proceeding against the Earl of Essex, who, he observed, had acknowledged his errors, and expressed his sorrow for them; but that some wicked persons had intermeddled by libelling what her majesty had done in that point, which occasioned a proclamation to be published against such seditious practices. (*a*) June 12, 1600.

Notwithstanding this ill-advised conduct, the Queen was desirous to remove from Essex the restraint of a keeper, when her indignation was again excited by a rumour, that Essex had been duly authorized by her to create knights, though his having conferred that honour had been made a charge against him before the commissioners. In the first moment of her displeasure she determined to rescind the honours he had bestowed. Bacon advised her against this step, and recommended that a letter written

(*a*) Sydney Papers, vol. ii. 201.

by her own hand to Essex, when in Ireland, should be made public, in which she had commanded to the contrary. Upon sending to Essex for her letter, he returned a submissive reply, but said that it was either lost or mislaid; and, though her anger was great at the non-production of this document, she, early in the next month, ordered him to be liberated from his keeper, but not to quit London. (*b*)

Upon this release, which his declining health rendered necessary, he solicited permission to retire to the house of a relation near Reading; a permission which the Queen, although she commanded him to dismiss two of his friends from his service, and although disturbed and displeased, seemed inclined to grant, as she listened to friendly communications made on his behalf, and received letters from him, (*c*) in which, having discovered the wisdom of his friend's advice, "that the Queen could not be controlled by resistance," (*d*) he was endeavouring to regain by obsequiousness the ascendancy which he had lost by his rude

(*b*) Sydney Papers, p. 204. Her majesty is greatly troubled with the last number of knights made by the Earl of Essex in Ireland, and purposes, by public proclamation, to command them from the place due to their dignity; and that no ancient gentleman of the kingdom gave them any place. The warrant was signed, as I heard; but by Mr. Secretary's very special care and credit, it is stayed till Sunday the lords meet in court. Mr. Bacon is thought to be the man that moves her majesty unto it, affirming, that by the law the earl had no authority to make them, being by her majesty's own letter, of her own hand written, commanded the contrary.

Her Majesty had ordered the Lord Keeper to remove my lord of Essex's keeper from him; but awhile after, being somewhat troubled with the remembrance of his making so many knights, made a stay of her former order, and sent unto the earl for her own letter, which she writ unto him to command him to make none. But, with a very submissive letter, he returned answer that he had lost it or mislaid it, for he could not find it, which somewhat displeases her majesty. As yet his liberty stands upon these terms, &c. &c.—28 June, 1600.

(*c*) Sydney Papers, 205-7-8-12.

(*d*) Ante, page xlv.

and headstrong violence; assuring the Queen, "that he kissed her royal hand and the rod which had corrected him; that he could never recover his wonted joy till he beheld her comfortable eyes, which had been his guiding stars, and by the conduct whereof he had sailed most happily whilst he held his course in a just latitude; that now he was determined to repent him of his offence, and to say with Nebuchodonosor, my dwelling is with the beasts of the field, to eat grass as an ox, and to be wet with the dew of heaven, till it shall please the Queene to restore my understanding to me."(*a*)

This abasement gratified Elizabeth, who said, "though she did not expect that his deeds would accord with his words, yet, if this could be brought to pass with the fur-

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(*a*) Camden, 169. Birch's Elizabeth, 461. One of the letters written by Mr. Francis Bacon for the earl, and printed among the works of the former, beginning with these words, "It were great simplicity in me," &c. is much inferior to what the earl himself would have written. But there are two others, which appear to have come from his lordship's own hand, and have not yet been seen in print. The first is in these terms:

"Let me beg leave, most dear and most admired sovereign, to remember the story of your own gracious goodness, when I was even at the mouth of the grave. No worldly means had power to stay me in this world but the comfort which I received from your majesty. When I was weak and full of infirmities, the increase of liberty which your majesty gave, and the gracious message which your majesty sent me, made me recover in a few weeks that strength, which my physicians in a long time durst not hope for. And now, lastly, when I should be for ever disabled for your majesty's service, and by consequence made unwilling to live, your majesty at my humble supplication granted, that that cup should pass from me. These are deeply engraven in my memory, and they shall ever be acknowledged by my tongue and pen. But yet after all these, without one farther degree of your mercy, your servant perisheth. *Indignatio principis mors est.* He cannot be said to live, that feels the weight of it. What then can your majesty think of his state, that hath thus long lived under it, and yet sees not your majesty reach out your fair hand to take off part of this weight? If your majesty could know what I feel, your sweet and excellent nature could not but be compassionate. I dare not lift up my voice to speak, but my humble (now exiled, though once too happy) eyes are lifted up, and

nace, she should be more favourable to the profession of alchemy."

Bacon, who was too wise to cross Elizabeth in the spring-tide of her anger, without waiting till it was ebbing-water, now exerted all his power to reconcile her to her favourite, whom, in his many accesses to the Queen, he availed himself of every opportunity to serve; and, although he could not, without exciting her displeasure, directly communicate with him, he, by the intervention of a friend, regularly acquainted him with the progress he made in abating the Queen's anger; and, the moment he was restored to liberty, the assurances of his exertions were repeated by letter, and through the whole summer were regularly imparted to Essex.(*b*)

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speak in their dumb language, which your majesty will answer your own chosen time. Till then no soul is so afflicted as that of

"Your Majesty's humblest vassal, Essex.

The other letter was written on the 17th of November, the anniversary of her accession to the throne:

"Vouchsafe, dread sovereign, to know there lives a man, though dead to the world, and in himself exercised with continual torments of body and mind, that doth more true honour to your thrice blessed day, than all those that appear in your sight. For no soul had ever such an impression of your perfections, no alteration shewed such an effect of your power, nor no heart ever felt such a joy of your triumph. For they that feel the comfortable influence of your majesty's favour, or stand in the bright beams of your presence, rejoice partly for your majesty's, but chiefly for their own happiness. Only miserable Essex, full of pain, full of sickness, full of sorrow, languishing in repentance for his offences past, hateful to himself, that he is yet alive, and importunate on death, if your favour be irrevocable; he joys only for your majesty's great happiness and happy greatness: and were the rest of his days never so many, and sure to be as happy as they are like to be miserable, he would lose them all to have this happy 17th day many and many times renewed with glory to your majesty, and comfort of all your faithful subjects, of whom none is accursed but your Majesty's humblest vassal, Essex."

(*b*) See note 4 D at the end.

In the same spirit, and with the same parental anxiety by which all Bacon's conduct had been influenced, he wrote two letters, one as from Anthony Bacon to Essex, the other from Essex, in answer, both to be shown by Bacon to the Queen; and prepared a letter to be sent by Essex directly to her majesty,(*c*) the scope of which were, says Bacon, "but to represent and picture forth unto her majesty my lord's mind to be such, as I knew her majesty would fainest have had it: which letters whosoever shall see, for they cannot now be retracted or altered, being by reason of my brother's or his lordship's servants' delivery, long since come into divers hands, let him judge, especially if he knew the Queen, and do remember those times, whether they were not the labours of one that sought to bring the Queen about for my lord of Essex his good."(*d*)

To such expedients did his friendship for Essex induce him to submit: expedients, which, however they may be sanctioned by the conduct of courtiers, stooping, as they suppose, to occasions not to persons,(*x*) but ill accord

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(*c*) See note 4 E at the end.

(*d*) In another part of his Apology he says: "And I drew for him, by his appointment, some letters to her majesty; which though I knew well his lordship's gift and style was far better than mine own, yet, because he required it, alleging, that by his long restraint he was grown almost a stranger to the Queen's present conceits, I was ready to perform it; and sure I am, that for the space of six weeks or two months it prospered so well, as I expected continually his restoring to his attendance."

(*x*) See the Advancement of Learning (vol. ii. page 33), under the head of objections to learning from the manners of learned men. The passage begins "not that I," and ends, "these stoopings to points of necessity and convenience, though they may have some outward baseness, yet in a judgment truly made, they are to be accounted submissions to the occasion, not to the person." The nature of this debasement is powerfully stated in an essay upon the Regal Character, by William Hazlitt, in page 336 of his Political Essays.

with the admonition of Bacon's philosophy, that "the honest and just bounds of observation by one person upon another, extend no further but to understand him sufficiently, whereby not to give him offence; or whereby to be able to give him faithful counsel; or whereby to stand upon reasonable guard and caution with respect to a man's self: but to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous." (a) Such is Bacon's doctrine, but having, as it appears, in his youth, taken an unfortunate bias from the censures of Burleigh and Cecil, and from the frequent assertions of Elizabeth, that he was without knowledge of affairs, he affected, through the whole of his life, an overstrained refinement in trifles, and a political subtlety, which never failed to awaken the suspicions of his enemies, and was altogether unworthy of his great mind.

From these various efforts Bacon indulged the most flattering hopes of the restoration of his friend to the Queen's favour, in which, if Essex had acted with common prudence, he would have succeeded; though the Queen kept alive her displeasure by many passionate expressions, "that he had long tried her anger, and she must have further proof of his humility, and that her father would not have endured his perverseness;" but Bacon, who knew the depths and soundings of the Queen's character, was not dismayed by these ebullitions; he saw, under the agitated surface, a constant under-current of kindness.

Bacon's account is as follows: "From this time forth, during the whole latter end of that summer, while the court was at Nonsuch and Oatlands, I made it my task and scope to take and give occasions for my lord's redinte-

(a) Advancement of Learning, vol. ii. p. 30.

gration in his fortunes: which my intention, I did also signify to my lord as soon as ever he was at his liberty, (*a*) whereby I might without peril of the Queen's indignation write to him; and, having received from his lordship a courteous and loving acceptation of my good will and endeavours, I did apply it in all my accesses to the Queen, which were very many at that time; and purposely sought and wrought upon other variable pretences, but only and chiefly for that purpose. And on the other side, I did not forbear to give my lord from time to time faithful advertisement what I found, and what I wished. And I drew for him, by his appointment, some letters to her majesty; which, though I knew well his lordship's gift and style was far better than mine own, yet, because he required it, alleging, that by his long restraint he was grown almost a stranger to the Queen's present conceits, I was ready to perform it; and sure I am, that for the space of six weeks or two months, it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the Queen, nor more made of, than when I spake fullest and boldest for him: in which kind the particulars were exceeding many; whereof, for an example, I will remember to your lordship one or two. As at one time, I call to mind, her majesty was speaking of a fellow that undertook to cure, or at least to ease my brother of his gout, and asked me how it went forward; and I told her majesty, that at the first he received good by it, but after in the course of his cure he found himself at a stay, or rather worse: the Queen said again 'I will tell you, Bacon, the error of it: the manner of these physicians, and especially these empirics, is to continue one kind of medicine, which at the first is proper, being to

(*a*) See note 4 E at the end.

draw out the ill humour; but after, they have not the discretion to change the medicine, but apply still drawing medicines, when they should rather intend to cure and corroborate the part.'(*a*) 'Good Lord! madam,' said I, 'how wisely and aptly can you speak and discern of physic ministered to the body, and consider not that there is the like occasion of physic ministered to the mind: as now in the case of my lord of Essex, your princely word ever was, that you intended ever to reform his mind, and not ruin his fortune: I know well you cannot but think that you have drawn the humour sufficiently; and therefore it were more than time, and it were but for doubt of mortifying or exulcerating, that you did apply and minister strength and comfort unto him: for these same gradations of yours are fitter to corrupt than correct any mind of greatness.'"

August, 1600. Essex liberated.

In the latter end of August Essex was summoned to attend at York House, where the Lord Keeper, the Lord Treasurer, and Secretary signified the Queen's pleasure that he should be restored to liberty. He answered that his resolution was to lead a retired life in the country, but solicited them to intercede with her majesty that, before his departure, he might once come into the presence of the Queen, and kiss her hand, that with some contentment, he might betake himself to his solitary life: hopes which, however, seemed not likely to be realized, (*d*) as the Queen's permission for him to retire into the country was accompanied with the declaration, that, although her majesty was contented that he should be under no guard but of duty and discretion, yet he must in no sort suppose that

(*a*) See Advancement of Learning, under the title Cure of Diseases, vol. ii. p. 166.

(*d*) Sydney Papers, 213.

he was freed of her indignation, or presume to approach the court, or her person. (*m*)

Thus liberated, but not restored to the Queen's favour, he walked forth alone, without any greetings from his 'summer friends.' (*m*)

In the beginning of September Essex retired to the country, with the pleasing hope that the Queen's affection was returning, and that he would not only be received into favour, and restored to power, (*x*) but that, by the influence of this affection he might secure an object of the greatest importance, a renewal of his valuable patent for the monopoly of sweet wines, which, after having enriched him for years, was now expiring. September 1600.

Essex considered this renewal as one of the most critical events of his life, an event that would determine whether he might hope ever to be reinstated in his former credit and authority; but Elizabeth, though capable of strong attachments, inherited the haughty and severe temper of her father, and, being continually surrounded by the enemies of Essex, was persuaded that his lofty spirit was not sufficiently subdued; and when, at length, she was more favourably disposed towards him, he destroyed all that her own lurking partiality and the kindness of his friends had prepared for him by a letter, which, professing affection and seeking profit, was so deficient in good taste and in knowledge of the Queen's temper, that she saw, through all the expressions of his devotion and humility,

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(*m*) Original letters of Secretary Cecil to Sir George Carew, in the Lambeth Library, No. 604, fol. 23.

(*x*) Winwood's Memorials, vol. i. p. 254. Sir Henry Nevil to Mr. Winwood, 9th Sept. 1600, a long letter upon different subjects, thus concludes: "The Earl of Essex is gone to Ewelme, not without hope of some further grace shortly: there are many arguments that the Queen begins to relent towards him, and to wish him near her."

a view only to his own interest. The Queen told me, says Bacon, "that my lord had written her some very dutiful letters, and that she had been moved by them, but when she took it to be the abundance of his heart, she found it to be but a preparative to a suit for the renewing of his farm of sweet wines." To this complaint Bacon made the following characteristic and ingenious reply: "O Madam, how doth your majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures. For there are but two sympathies, the one towards perfection, the other towards preservation: that to perfection, as the iron tendeth to the loadstone; that to preservation, as the vine will creep towards a stake or prop that stands by it, not for any love to the stake, but to uphold itself. And therefore, madam, you must distinguish my lord's desire to do you service, is as to his perfection that which he thinks himself to be born for; whereas his desire to obtain this thing of you, is but for a sustentation." (*t*)

The result, however, was, that hurt by this letter, she indignantly and somewhat coarsely refused his suit, saying, "that an unruly beast ought to be stinted of his provender." After a month's suspense, it was notified to him that the patent was confided to trustees for the Queen's use. (*y*)

Essex's violence. October, 1600.

In the storm that now gathered round Essex, the real state of his mind revealed itself. "When I expected," he said, "a harvest, a tempest has arisen to me; if I be wanting to myself, my friends, and my country, it is long of others, not of myself; let my adversaries triumph, I will not follow the triumphal chariot." He who had declared his willingness "to wander and eat grass with the beasts of the

(*t*) Apology, vol. vi. p. 2. (*y*) Camden, 170. Sydney Papers, 206.

field, like Nebuchadnezzar, until the Queen should restore his senses," now, that this abject prostration proved fruitless, loudly proclaimed that "he could not serve with base obsequiousness; that he was thrust down into private life, and wrongfully committed to custody, and this by an old woman no less crooked in mind than in body." These ebullitions of peevish anger were duly repeated to the Queen by those who hoped for his utter ruin. Elizabeth, shocked at the ingratitude of a man upon whom she had lavished so many favours; whose repeated faults she had forgiven, till forgiveness became folly, now turned away with extreme indignation from all whom she suspected of urging one word in his favour; and, remembering the constant exertions which had ever been made by Bacon on his behalf, began to think of him with distrust and jealousy. She would not so much as look at him; and whenever he desired to speak with her about law business, sent him out slighting refusals.

Bacon, acting in obedience to his own doctrine, "that the best mean to clear the way in the wood of suspicion is frankly to communicate with the party who is suspect if he is of a noble nature," (*a*) demanded the cause of this alienation, in an interview with the Queen, which he has thus related:—"Then, she remembering, belike, the continual, and incessant, and confident speeches and courses that I had held on my lord's side, became utterly alienated from me, and for the space of at least three months, which was between Michaelmas and New-year's-tide following, would not so much as look on me, but turned away from me with express and purposelike discountenance wheresoever she saw me; and at such time as I desired to speak with her about law business, ever sent me forth very

January, 1601. Æt. 41.

(*a*) See his Essay on Suspicion, vol. i. p. 113.

slight refusals, insomuch as it is most true, that immediately after New-year's-tide I desired to speak with her; and being admitted to her, I dealt with her plainly, and said, Madam, I see you withdraw your favour from me, and now I have lost many friends for your sake, I shall lose you too: you have put me like one of those that the Frenchmen call *enfans perdus*, that serve on foot before horsemen, so have you put me into matters of envy without place, or without strength; and I know at chess a pawn before the king is ever much played upon: a great many love me not, because they think I have been against my lord of Essex; and you love me not, because you know I have been for him: yet will I never repent me that I have dealt in simplicity of heart towards you both, without respect of cautions to myself, and therefore *vivus videnque pereo.* If I do break my neck, I shall do it in a manner as Master Dorrington did it, which walked on the battlements of the church many days, and took a view and survey where he should fall: and so, Madam, said I, I am not so simple, but that I take a prospect of mine overthrow, only I thought I would tell you so much, that you may know that it was faith, and not folly that brought me into it, and so I will pray for you. Upon which speeches of mine, uttered with some passion, it is true her majesty was exceedingly moved; and accumulated a number of kind and gracious words upon me, and willed me to rest upon this, *Gratia mea sufficit*, and a number of other sensible and tender words and demonstrations, such as more could not be; but as touching my lord of Essex, *ne verbum quidem.* Whereupon I departed, resting then determined to meddle no more in the matter, as I saw that it would overthrow me, and not be able to do him any good."

Bacon's anguish, when he felt that the Queen's displeasure was gradually taking the form most to be dreaded,

the cold and severe aspect of offended justice, can be conceived only by those who had seen his patient watchfulness over his wayward friend. Through the whole of his career, Bacon had anxiously pursued him, warning him, when it was possible, to prevent the commission of error; excusing him to his royal mistress when the warning had proved fruitless; hoping all things, enduring all things; but the time seemed fast approaching, when, urged by his own wild passions, and the ruffian crew that beset him, he would commit some act which would place him out of the pale of the Queen's mercy.

Irritated by the refusal of his patent, he readily listened to the pernicious counsels of a few needy and interested followers. Essex House had long been the resort of the factious and discontented; secretly courting the Catholics, and openly encouraging the Puritans, Essex welcomed all who were obnoxious to the court. He applied to the King of Scotland for assistance, opened a secret correspondence with Ireland, and, calculating upon the support of a large body of the nobility, conspired to seize the Tower of London and the Queen herself, and marshalled his banditti to effect his purposes.

The Queen, who had been apprised of the unusual concourse of persons to Essex House, was now fully acquainted with the extent of his treasons. In this emergency she acted with a firmness worthy of herself. She directed the Lord Mayor of London to take care that the citizens were ready, every man in his own house, to execute such commands as should be enjoined them. To Essex she sent the Lord Keeper, the Lord Chief Justice, and the Earl of Worcester, to learn the cause of this treasonable assembly. He said "that there was a plot against his life; that some were suborned to stab him in his bed; that he and his friends were treacherously dealt with, and that they were

determined on resistance." Deaf to all remonstrances, and urged by his faction, he seized and confined the officers of state, and, without plan, without arms, and with a small body of conspirators, he proceeded into the city, calling upon the citizens to join him, but calling in vain. Disappointed in his hopes, and proclaimed a traitor, after a fruitless attempt to defend himself, he was seized, and committed to the Tower.

No man knew better, or felt more deeply the duties of friendship, than Bacon: he did not think friendships mere abstractions, metaphysical nothings, created for contemplation only; he felt, as he has taught, that friendship is the allay of our sorrows, the ease of our passions, the sanctuary of our calamities;(*a*) that its fruits are peace in the affections, counsel in judgment, and active kindness; the heart, the head, and the hand. His friendship, therefore, both in words and acts, Essex constantly experienced. In the wildest storm of his passions, while others suffered him to drive onward, the voice of the pilot might be heard, pointing out the sunken rocks which he feared would wreck him; and when, at last, bound hand and foot, he was cast at the feet of the Queen, to undergo her utmost indignation, he still walked with him in the midst of the fire, and would have borne him off unhurt, but for the evil spirits which beset him.

It is impossible to form a correct judgment of the conduct of Bacon at this unfortunate juncture, without considering the difficulties of his situation, and his conflicting duties. Men of the highest blood and of the fairest character were implicated in the treasons of Essex: men who were like himself highly favoured by the Queen, and in offices of great trust and importance. Bacon's obligations to Essex,

(*a*) See J. Taylor's beautiful Essay on Friendship.

and his constant efforts to serve him were well known; and the Queen had of late looked coldly upon him, and might herself suspect his fidelity; for sad experience had proved to her that a monarch has no true friend. (*a*) In the interval between the commitment of Essex to the Tower, and his arraignment, Bacon must have become fully aware of the facts which would condemn Essex in the eyes of all good men, and render him amenable to the heaviest penalty of the law. Awakened as from a dream, with the startling truth that Essex was guilty as well as imprudent, he saw that all which he and others had deemed rashness was the result of a long concocted treason. In whatever light it could be viewed, the course which Essex had pursued was ruinous to Bacon. He had been bondsman again and again to the Queen for the love and duty of Essex; and now he had the mortification of discovering that, instead of being open and entire with him, Essex had abused his friendship, and had assumed the dissembling attitude of humility and penitence, that he might more securely aim a blow at the very life of his royal benefactress. This double treachery entirely alienated the affections of Bacon. He saw no longer the high-souled, chivalric Essex, open as the day, lucid as truth, giving both faults and virtues to the light, redeeming in the eyes of all men the bounty of

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(*a*) This day senight her Majestie was at Blackfriars, to grace the marriage of the Lord Herbert and his wife. The Bride mett the Queen at the Waterside, where my Lord Cobham had provided a Lectica, made like half a litter, wherein she was carried to my Lady Russell's by 6 Knights. After supper the Mask came in, as I writ in my last; and delicate it was, to see 8 Ladies soe prettily and richly attired. Mrs. Fitton leade, and after they had donne all their own ceremonies, these 8 Ladys Maskers choose 8 Ladies more to dawnce the measures. Mrs. Fitton went to the Queen and woed her to dawnce; her Majesty asked what she was; *Affection*, she said. *Affection!* said the Queen, *Affection is false.* Yet her Majestie rose and dawnced.—See also note 3 T at the end. Sidney Papers.

the crown; he saw only an ungrateful man, whom the fiend ambition had possessed, and knew that the name of that fiend was "Legion."

19th Feb. 1601. On the 19th of February Essex and Southampton were arraigned, and, upon the trial, one of the conspirators, allured by the hope of life, made a full disclosure of all their treasons. (*a*)

Unable to deny facts clearly proved against him, Essex could insist only upon his motives, which he urged with the utmost confidence. He repeated his former assertion, that there was a plot against his life, and that Cecil, Cobham, and Raleigh had driven him to desperate measures. Bacon, who appeared as one of the counsel for the crown, resisted these imputations, and said, "It is evident, my lord of Essex, that you had planted in your heart a pretence against the government of your country; and, as Pisistratus, calculating upon the affections of the people, shewed himself wounded in the streets of Athens, so you entered the city with the vain hope that the citizens would join in your rebellion. Indeed, my lord, all that you have said, or can say in these matters are but shadows, and therefore methinks it were your best course to confess, and not to justify."

Essex here interrupted him, and said, "The speech of Mr. Bacon calls upon me to defend myself; and be it known, my lords, I call upon him to be a witness for me, for he being a daily courtier, and having free access to her majesty, undertook to go to the Queen in my behalf, and did write a letter most artificially, which was subscribed with my name, also another letter was drawn by him to occasion that letter with others that should come from his brother, Mr. Anthony Bacon, both which he shewed the Queen,

(*a*) See note 4 F at the end, for an account of the trial.

and in my letter he did plead for me feelingly against those enemies, and pointed them out as particularly as was possible; which letters I know Mr. Secretary Cecil (*a*) hath seen, and by them it will appear what conceit Mr. Bacon held of me, so different from what he here coloureth and pleadeth against me." (*b*)

To this charge, urged in violation of the most sacred confidence, which Essex well knew would render Bacon obnoxious to the Queen, and suspected by all parties, he instantly and indignantly replied, "My lord, I spent more hours to make you a good subject, than upon any man in the world besides; but since you have stirred up this point, I dare warrant you this letter will not blush to see the light, for I did but perform the part of an honest man, and ever laboured to have done you good if it might have been, and to no other end; for what I intended for your good was wished from the heart, without touch of any man's honour." After this unjustifiable disclosure, which severed the last link between them, Bacon only spoke once, and with a bitterness that showed how deeply he was wounded. (*c*)

(*a*) Essex added to this charge against Bacon a charge calculated, if true, to ruin Cecil, whom he asserted to have said, that the Infanta of Spain had as much right to the crown of England as any of her competitors: a charge refuted by Cecil, with the spirit and dignity of conscious integrity. He said to the Earl of Essex, "For wit, wherewith you certainly abound, I am your inferior; I am inferior to you in nobility, yet noble I am; a military man I am not, and herein you go before me: yet doth my innocency protect me; and in this court I stand an upright man, and you a delinquent."

(*b*) See ante, p. lxxix.

(*c*) Years after the trial he complained of this injurious treatment to the Earl of Devonshire, and Camden says, "Surely all this was done like a friend, while he studied to put Essex in grace with the Queen." Camden concludes the narrative with these words: "These things whereat I was present myself, I have with uncorrupted fidelity compendiously related, and have willingly omitted nothing." Apology, p. 170, and Camden, p. 186.

Through the whole trial Essex conducted himself with courage and firmness worthy of a better cause. Though assailed by the lawyers with much rancour, and harassed by the deepest search into his offences; though harshly questioned by his adversaries, and betrayed by his confederates, he stood at bay, like some noble animal, who fears not his pursuers, nor the death that awaits him; and when at last the deliberate voices of his fellow peers proclaimed him guilty, he heard the sentence with manly composure, and, without one thought of himself, sought only to save the life of his friend.

Bacon having obtained a remission of the sentence in favour of six persons(*a*) who were implicated, made one more effort to serve this unhappy nobleman. He says, "for the time which passed, I mean between the arraignment and my lord's suffering, I was but once with the Queen, at what time though I durst not deal directly for my lord as things then stood; yet generally I did both commend her majesty's mercy, terming it to her as an excellent balm that did continually distil from her sovereign hands, and made an excellent odour in the senses of her people: and not only so, but I took hardness to extenuate, not the fact, for that I durst not, but the danger, telling her that if some base or cruel minded persons had entered into such an action, it might have caused much blood and combustion: but it appeared well they were such as knew not how to play the malefactors, and some other words which I now omit."

25th Feb. 1601. All exertions however proved fruitless, for after much fluctuation on the Queen's part,(*b*) arising from causes variously stated by historians, Essex, on the 25th of February, was executed in the Tower.

The Queen having been coldly received by the citizens,

(*a*) Vol. vi. p. 273. (*b*) Camden, p. 187.

after the death of Essex, or moved by some other cause, was desirous that a full statement should be made of the whole course of his treasons, and commanded Bacon to prepare it. He says, "her majesty taking a liking of my pen, upon that which I had done before concerning the proceeding at York House, and likewise upon some other declarations, which in former times by her appointment I put in writing, commanded me to pen that book,(*b*) which was published for the better satisfaction of the world: which I did but so, as never secretary had more particular, and express directions and instructions in every point how to guide my hand in it: and not only so, but after that I had made a first draught thereof and propounded it to certain principal councillors, by her majesties appointment, it was perused, weighed, censured, altered, and made almost a new writing, according to their lordships better consideration: wherein their lordships and myself both were as religious and curious of truth, as desirous of satisfaction: and myself indeed gave only words and form of style in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the Queen herself, and some alterations made again by her appointment: after it was set to print, the Queen, who as she was excellent in great matters, so she was exquisite in small, noted that I could not forget my ancient respect to my Lord of Essex, in terming him ever my Lord of Essex, my Lord of Essex almost in every page of the book, which she thought not fit, but would have it made, Essex, or the late Earl of Essex: whereupon of force it was printed *de novo*, and the first copies suppressed by her peremptory commandment." He concludes the whole with these words, "had I been as well believed either by the Queen or by my lord, as I was well heard by

(*b*) See vol. vi. p. 274.

them both, both my lord had been fortunate, and so had myself in his fortune."

Happier would it have been for the Queen, and her ill-fated favorite, had they listened to his warning voice. Essex paid the forfeiture of his unrestrained passions by the stroke of the axe, but Elizabeth suffered the lingering torture of a broken heart; the offended majesty of England triumphed, she "Queened it nobly," but the envenomed asp was in her bosom; she sunk under the consciousness of abused confidence, of ill-bestowed favors, of unrequited affection: the very springs of kindness were poisoned: suspicious of all around her, and openly deserted by those who hastened to pay court to her successor, her health visibly declined, and the last blow was given to her by some disclosure made on the deathbed of the Countess of Nottingham. Various rumours have arisen regarding this interview, and the cause of the Queen's grief; but the fatal result has never been doubted. From that day, refusing the aid of medicine, or food, or rest, she sat upon the floor of her darkened chamber, and gave herself up to the most unrestrained sorrow. The spirit that had kept a world in awe was utterly prostrate; and, after a splendid and prosperous reign of forty-five years, desolate, afflicted,
March 24, 1603. and weary of existence, she lingered till the 24th of March, on which day she died. (*g*)

Bacon's respect for the Queen was more manifested after her death, and even after his own death, than during her life. (*a*)

In one of his wills (*b*) he desires, that, whatever part of his manuscripts may be destroyed, his eulogy "In felicem memoriam Elizabethæ" may be preserved and published:

(*g*) See note 4 G at the end.

(*a*) See note 4 H at the end.

(*b*) Baconiana.

and, soon after the accession of James to the throne, he thus speaks of the Queen.

" She was a princess that if Plutarch were now alive to write lives by parallels, would trouble him, I think, to find for her a parallel amongst women. This lady was endued with learning in her sex singular and rare even amongst masculine princes; whether we speak of learning, language, or of science, modern or ancient, divinity or humanity: and, unto the very last year of her life, she was accustomed to appoint set hours for reading, scarcely any young student in an university more daily or more duly. As for her government, I assure myself, I shall not exceed, if I do affirm that this part of the island never had forty-five years of better times, and yet not through the calmness of the season, but through the wisdom of her regimen. For if there be considered of the one side, the truth of religion established; the constant peace and security; the good administration of justice; the temperate use of the prerogative, not slackened, nor much strained; the flourishing state of learning, suitable to so excellent a patroness; the convenient estate of wealth and means, both of crown and subject; the habit of obedience, and the moderation of discontents; and there be considered, on the other side, the differences of religion, the troubles of neighbour countries, the ambition of Spain, and opposition of Rome; and then that she was solitary and of herself; these things I say considered, I could not have chosen a more remarkable instance of the conjunction of learning in the prince, with felicity in the people."

End of Part I.

LIFE OF BACON.

PART II.

From the Death of Elizabeth to the Death of Bacon.

CHAPTER I.

FROM THE ACCESSION OF JAMES TILL THE PUBLICATION OF THE WISDOM OF THE ANCIENTS, 1603 to 1610.

1603. Æt. 43.

UPON the death of the Queen, Bacon had every thing to expect from the disposition of her successor, who was a lover of letters, was desirous to be considered the patron of learning and learned men, was well acquainted with the attainments of Bacon, and his reputation both at home and abroad, and was greatly prepossessed in his favour by his brother Anthony, who was much esteemed by the King.(*a*)

But neither the consciousness of his own powers or of the King's discernment rendered Bacon inert or passive. He used all his influence, both in England and in Scotland, to insure the protection of James.(*b*) He wrote to the Earl

(*a*) See Rymer, vol. xvi. p. 596, and note TTT at the end.

(*b*) He wrote to Mr. Foules, see vol. xii. page 114; to Sir Thomas Challoner, see vol. xii. page 113; to his friend, Tobie Mathew, see vol. xii. page 230; to Dr. Morrison, a Scottish physician, see vol. xiii. page 61; to Lord Kinlose, see vol. xii. page 101.

of Northumberland, (*c*) and to Lord Southampton, (*c*) who was imprisoned and tried with Essex, using these remarkable words, "I may safely be that to you now, which I was truly before."

Upon the approach of the King he addressed his majesty in a letter written in the style of the times: (*a*) and he

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(*c*) He wrote to the Earl of Northumberland, see vol. xii. pages 103 and 116; to Mr. Kempe, see vol. xii. page 25; to Mr. Davis, see vol. xii. page 115; and it is remarkable that he applied to the Earl of Southampton, the fellow prisoner and convict with Lord Essex. In his letter to Mr. Kempe he says, "My lord of Southampton expecteth release by the next dispatch, and is already much visited, and much well wished. There is continual posting by men of good quality towards the king; the rather, I think, because this spring time it is but a kind of sport. It is hoped that as the state here hath performed the part of good attorneys, to deliver the King quiet possession of his kingdoms, so the King will re-deliver them quiet possession of their places; rather filling places void, than removing men placed. So, &c."

The following is his letter to Lord Southampton:

"It may please your Lordship,—I would have been very glad to have presented my humble service to your lordship by my attendance, if I could have foreseen that it should not have been unpleasing unto you. And therefore, because I would be sure to commit no error, I chose to write; assuring your lordship, how little soever it may seem credible to you at first, yet it is as true as a thing that God knoweth; that this great change hath wrought in me no other change towards your lordship than this, that I may safely be that to you now, which I was truly before. And so craving no other pardon, than for troubling you with my letter, I do not now begin to be, but continue to be your Lordship's humble and much devoted

1603. FR. BACON."

See vol. xii. page 115.

(*a*) It may please your most excellent Majesty,

It is observed by some, upon a place in the Canticles, *Ego, sum flos campi, et lilium convallium*, that, *a dispari*, it is not said, *Ego sum flos horti, et lilium montium*; because the majesty of that person is not inclosed for a few, nor appropriated to the great. And yet, notwith-

submitted to the Earl of Northumberland, for the King's consideration, a proclamation, recommending "the union of England and Scotland; attention to the sufferings of

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standing, this royal virtue of access, which both nature and judgment have planted in your majesty's mind, as the portal of all the rest, could not of itself, my imperfections considered, have animated me to make oblation of myself immediately to your majesty, had it not been joined with an habit of the like liberty which I enjoyed with my late dear sovereign mistress; a princess happy in all things else, but most happy in such a successor. And yet farther, and more nearly, I was not a little encouraged, not only upon a supposal, that unto your majesty's sacred ear, open to the air of all virtues, there might perhaps have come some small breath of the good memory of my father, so long a principal counsellor in your kingdom; but also a more particular knowledge of the infinite devotion and incessant endeavours, beyond the strength of his body, and the nature of the times, which appeared in my good brother, Mr. Anthony Bacon, towards your majesty's service; and were, on your majesty's part, through your singular benignity, by many most gracious and lively significations and favours accepted and acknowledged, beyond the merit of any thing he could effect: which endeavours and duties, for the most part, were common to myself with him, though by design, as between brethren, dissembled. And therefore, most high and mighty king, my most dear and dread sovereign lord, since now the corner-stone is laid of the mightiest monarchy in Europe; and that God above, who hath ever a hand in bridling the floods and motions both of the seas and of people's hearts, hath by the miraculous and universal consent, the more strange, because it proceedeth from such diversity of causes, in your coming in, given a sign and token of great happiness in the continuance of your reign; I think there

unhappy Ireland; freedom of trade and the suppression of bribery and corruption; with the assurance, that every place and service that was fit for the honour or good of the commonwealth should be filled, and no man's virtue left idle, unemployed, or unrewarded, and every good ordinance and constitution, for the amendment of the estate and times, be revived and put in execution." (*d*)

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is no subject of your majesty's, which loveth this island, and is not hollow or unworthy, whose heart is not set on fire, not only to bring you peace-offerings, to make you propitious; but to sacrifice himself a burnt-offering or holocaust to your majesty's service: amongst which number no man's fire shall be more pure and fervent than mine; but how far forth it shall blaze out, that resteth in your majesty's employment. So, thirsting after the happiness of kissing your royal hand, I continue ever, &c. 1603.

(*d*) Sir Francis Bacon to the Earl of Northumberland, concerning a Proclamation upon the King's entry.

It may please your Lordship,—I do hold it a thing formal and necessary, for the King to forerun his coming, be it never so speedy, with some gracious declaration for the cherishing, entertaining, and preparing of men's affections. For which purpose, I have conceived a draught, it being a thing to me familiar, in my mistress her times, to have used my pen in politic writings of satisfaction. The use of this may be in two sorts: first, properly, if your lordship think convenient to shew the King any such draught, because the veins and pulses of this state cannot but be known here; which if your lordship should, then I would desire your lordship to withdraw my name, and only signify that you gave some heads of direction of such a matter to one of whose style and pen you had some opinion. The other collateral, that though your lordship make no other use of it, yet it is a kind of portraiture of that which I think worthy to be advised by your lordship to the King, to express himself according to those points which are therein conceived, and perhaps more compendious and significant than if I had set them down in articles. I would have attended your lordship, but for some little physic I took. To-morrow morning I will wait on you. So I ever continue, &c. Fr. Bacon.

See vol. xii. p. 102, and vol. vii. p. 173, for the proclamation.

Soon after the arrival of James, which was on the 7th of May, Bacon, having had an audience, and a promise of private access, thus describes the King to the Earl of Northumberland: "Your lordship shall find a prince the farthest from vain glory that may be, and rather like a prince of the ancient form than of the latter time. His speech is swift and cursory, and in the full dialect of his country; in speech of business, short; in speech of discourse, large. He affecteth popularity by gracing such as he hath heard to be popular, and not by any fashions of his own. He is thought somewhat general in his favours; and his virtue of access is rather, because he is much abroad and in press, than that he giveth easy audience. He hasteneth to a mixture of both kingdoms and occasions, faster perhaps than policy will well bear. I told your lordship once before, that methought his majesty rather asked counsel of the time past, than of the time to come: but it is yet early to ground any settled opinion." (*m*)

The title of knighthood had hitherto been considered an especial mark of royal favour; but the King, who perceived that the English gentry were willing to barter their gold for an empty honour, was no less ready to barter his honours for their gold. A general summons was, therefore, issued for all persons possessing £40 a year in land (*n*) either to accept this title, or to compound with the King's commissioners; and on the 23rd, the day of his coronation, not less than three hundred gentlemen received the honour of knighthood, amongst whom was Sir Francis Bacon, who thought that the title might gratify the

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(*m*) See vol. xii. p. 48.

n) Hume, who has shown great tenderness to the character of James upon many occasions, is quite silent as to this extraordinary expedient to raise money. See Progresses of James, 203.

daughter of Alderman Barnham, whom he soon after married. (*e*)

1604. Æt. 44. In the opening of the year 1604 it was publicly announced that a parliament would be assembled early in the spring; and never could any parliament meet for the consideration of more eventful questions than at that moment agitated the public mind. It did not require Bacon's sagacity to perceive this, or, looking forward, to foresee the approaching storm. Revolutions are sudden to the unthinking only. Political disturbances happen not without their warning harbingers. Murmurs, not loud but portentous, ever precede these convulsions of the moral world: (*a*) murmurs which were heard by Bacon not the less audibly from the apparent tranquillity with which James ascended the throne. "Tempests of state," he says, "are commonly greatest when things grow to equality; as natural tem-

(*e*) Bacon's sentiments of the value of knighthood may be seen by the following letters:

To Robert, Lord Cecil.

It may please your good Lordship,—Lastly, for this divulged and almost prostituted title of knighthood, I could without charge, by your honour's mean, be content to have it, both because of this late disgrace, and because I have three new knights in my mess in Gray's Inn commons; and because I have found out an alderman's daughter, a handsome maiden, to my liking. So as if your honour will find the time, I will come to the court from Gorhambury upon any warning. So I remain your Lordship's most bounden, FR. BACON.

3rd July, 1603.

To Robert, Lord Cecil.

It may please your good Lordship,—For my knighthood, I wish the manner might be such as might grace me, since the matter will not: I mean, that I might not be merely gregarious in a troop. The coronation is at hand. It may please your lordship to let me hear from you speedily. So I continue your Lordship's ever much bounden, FR. BACON.

From Gorhambury, this 16th of July, 1603.

See some observations respecting Lady Bacon, in note HHH at the end.

(*a*) See Coleridge's Friend, vol. ii. p. 243.

pests are greatest about the equinox; and as there are certain hollow blasts of wind and secret swellings of seas before a tempest, so are there in states:

> ——— Ille etiam cæcos instare tumultus
> Sæpe monet, fraudesque et operta tumescere bella." (*a*)

These secret swellings and hollow blasts, which arise from the conflicts between power, tenacious in retaining its authority, and knowledge, advancing to resist it, are materials certain to explode, unless judiciously dispersed. Of this Bacon constantly warned the community, by recommending the admission of gradual reform. "In your innovations," he said, "follow the example of time, which innovateth greatly, but quietly." (*b*)—The advances of nature are all gradual: scarce discernible in their motions, but only visible in their issue. The grass grows and the shadow moves upon the dial unperceived until we reflect upon their progress.

These admonitions have always been disregarded or resisted by governments, and, wanting this safety valve, states have been periodically exposed to convulsion. In England this appeared at Runnymede in the reign of John, and in the subversion of the Pope's authority in the reign of Henry the Eighth.

When the spirit of reform has once been raised, its progress is not easily stayed. Through the ruins of catholic superstition various defects were discovered in other parts of the fabric: and the people, having been spirit-broken during the reign of Henry, and lulled during the reign of Elizabeth, reform now burst forth with accumulated impetuosity. So true is the doctrine of Bacon, that "when any of the four pillars of government are mainly shaken,

(*a*) Essay on Sedition, vol. i. p. 44.
(*b*) Essay on Innovations, vol. i. p. 82.

or weakened, which are religion, justice, counsel, and treasure, men had need to pray for fair weather." (*a*)

The state of Bacon's mind at this period may be easily conceived. The love of order (*b*) and the love of improvement, apparently not really opposed to each other, were his ruling passions: and his mode of improvement was the same in all science, (*c*) natural or human, (*d*) by experiment, and only by experiment; by proceeding with the greatest caution, and by remembering that, after the most careful research, we may be in the greatest error: "for who will take upon him, when the particulars which a man knows and which he hath mentioned, appear only on one side, there may not lurk some particular which is altogether repugnant: as if Samuel should have rested in those sons of Jesse which were brought before him in the house, and should not have sought David, who was absent in the field." (*e*) He never presumed to act until he had tried all things: never used one of Briareus's hundred hands, until he had opened all Argus's hundred eyes. (*f*) He acted through life upon his father's favourite maxim, "stay a little that we may make an end the sooner."

This was his general mode of proceeding, which, when the experiment was attended with difficulty, generated more caution; and he well knew that, of all experiments, state alterations are the most difficult, the most fraught with danger.

Zealous as he was for all improvement; believing, as he did, in the omnipotence of knowledge, that "the spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets;" (*g*) and, branding the idolaters of

(*a*) Essay on Sedition, vol. i. p 44.
(*b*) Vol. ii. p. 63. Adv. of Learning.
(*c*) See postea, under Novum Organum.
(*d*) This is Bacon's division.
(*e*) Adv. of Learn. vol. ii. p. 180.
(*f*) Essay of Delays, vol. i. p. 73.
(*g*) Adv. of Learning, vol. ii. p. 11.

old times as a scandal to the new, he says, " It is good not to try experiments in states, except the necessity be urgent, or the utility evident: and well to beware that it be the reformation that draweth on the change, and not desire of change that pretendeth the reformation: that novelty, though it be not rejected, yet be always suspected; and, as the scripture saith, 'that we make a stand upon the ancient way, and then look about us, and discover what is the straight and right way, and so to walk in it;'(*q*) always remembering that there is a difference in innovations, between arts and civil affairs. In civil affairs, a change, even for the better, is to be suspected, through fear of disturbance: because they depend upon authority, consent, reputation, and opinion, and not upon demonstration; but arts and sciences should be like mines, resounding on all sides with new works and further progress." (*r*)

Such was the state of his mind upon entering into public life at the commencement of the parliament, which assembled on the 19th of March, 1604, when having already made some progress in the King's affections, (*s*) he was

(*q*) Essay on Innovations, vol. i. p. 82.

(*r*) Nov. Organum, Aph. 90. vol. ix.

(*s*) Mr. Constable was Bacon's brother-in-law; and was, as it seems knighted on March 14 (James's Progresses, 322), and knighted upon the interposition of Bacon, as appears by the following letter:

A Letter to Mr. Murray, of the King's bedchamber.

Mr. Murray,—It is very true, that his majesty, most graciously at my humble request, knighted the last Sunday my brother-in-law, a towardly young gentleman; for which favour I think myself more bound to his majesty than for the benefit of ten knights; and to tell you truly, my meaning was not, that the suit of this other gentleman, Mr. Temple, should have been moved in my name. For I should have been unwilling to have moved his majesty for more than one at once, though many times in his majesty's courts of justice, if we move once for our friends, we are allowed to move again for our fee. But indeed my purpose was, that you might have been pleased to have moved it as for myself. Nevertheless, since it

returned both for St. Albans and for Ipswich, (*a*) which borough he elected to represent; and, at this early period, so great a favourite was he with the house, that some of the members proposed him as Speaker. (*b*)

On the 22nd of March, the King first addressed the parliament, recommending to their consideration the union of the two kingdoms; the termination of religious discontents; and the improvement of the law. (*a*)

Upon the return of the Commons to the lower house, the storm commenced. Prayers had scarcely been ended, and the house settled, when one member proposed the immediate consideration of the general abuse and grievance of purveyors;—the burthen and servitude to the subjects of the kingdom, attendant upon the wardship of children;—the oppression of monopolies;—the abuses of the Exchequer, and the dispensation of penal statutes. After this proposal, received by an expressive silence, another member called the attention of the house to what he termed three main grievances: the burthen, charge, and vexation of the commissaries' courts;—the suspension of learned and grave ministers for preaching against popish doctrine;—and depopulations by inclosure. (*a*)

To consider these weighty subjects a select committee of the house was appointed, including Bacon as one of the members. This committee immediately entered upon

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is so far gone, and that the gentleman's friends are in some expectation of success, I leave it to your kind regard what is further to be done, as willing to give satisfaction to those which have put me in trust, and loth on the other side to press above good manners. And so, with my loving commendations, I remain, yours, &c.—1603.

(*a*) Commons' Journals. See note J J J at the end.

(*b*) Here, after some silence, the names of others were muttered; as of Sir Francis Hastings, Sir Henry Nevill, Sir Francis Bacon, Sir Edward Hobby, Sir Henry Mountague, the Recorder of London, and others; but the more general voice ran upon Sir Edward Phelips, who thereupon stood up, and used some speech to excuse and disable himself, to this effect, &c.

their inquiries, and, so ready were the parties with their evidence, and so active the members in their proceedings, that on the 26th Bacon made his report to the house of the result of their investigations. (*a*)

The political discontent, thus first manifested, increased yearly under the reign of James, and having brought his son to the scaffold, continued till the combustible matter was dispersed. "Cromwell," it was said, "became Protector, because the people of England were tired of kings, and Charles was restored because they were weary of Protectors." Such are the consequences of neglecting gradual reform.

During the whole of the conflicts in the commencement of this stormy session, Bacon's exertions were unremitting. He spoke in every debate. He sat upon twenty-nine committees, (*a*) many of them appointed for the consideration of the important questions agitated at that eventful time. He was selected to attend the conferences of the privy council; to report the result; and to prepare various remonstrances and addresses; was nominated as a mediator between the Commons and the Lords; and chosen by the Commons to present to the King a petition touching purveyors. (*c*)

(*a*) Commons' Journals.

(*c*) He said: "The message I now bring your majesty concerns the manifold abuses of purveyors. In this grievance, to which the poor people are most exposed, and men of quality less, we shall require your majesty to conceive that you hear the very groans and complaints of your commons more truly than by representation, for there is no grievance in your kingdom so general, so continual, so sensible, and so bitter to the common subject, as this whereof we now speak, assuring ourselves that never king reigned who had better notions of head and notions of heart for the good and comfort of his loving

To his address, clothed in language the most respectful, yet distinctly pointing out what was expected by the people, the King listened with the patience due from a sovereign to his suffering and oppressed subjects; and, instead of the displeasure felt by Elizabeth at his firm and honest boldness, (*a*) he received it kindly, and replied to it graciously.

Many of his speeches are fortunately preserved: (*x*) they are all distinguished for their fitness for the hearers and the occasion, their knowledge of affairs, and their pithy, weighty eloquence.

The King had hitherto continued to employ Bacon, in the same manner in which he had served the late Queen; but he now thought fit to shew him higher marks of favour than he had received from her majesty; and accordingly, on the 25th of August, 1604, constituted him by patent his counsel learned in the law, with a fee of forty pounds a year, which is said to have been a "grace scarce known before;" (*b*) and he granted him the same day, by another patent under the great seal, a pension of sixty pounds a

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subjects. The abuses of purveyors are of three sorts: 1st. They take in kind what they ought not to take. 2. They take in quantity a greater proportion than comes to your majesty's use. 3. They take it in an unlawful manner; instead of takers they become taxors, imposing and extorting divers sums of money, sometimes in gross, sometimes as stipends annually paid to be free from their oppressors. They take trees, which they cannot do by law, which are the beauty, shelter, and countenance of men's houses, and that under the value; nay, they are grown to that extremity that they will take double poundage, once when the debenture is made, and again when the money is paid."—See vol. vi. p. 3, for the whole speech.

(*a*) Ante, p. xxxi.

(*b*) See Rawley's Life.

(*x*) See vols. v. and vi.

year, for special services received from his brother Anthony Bacon and himself. (*b*)

It must not be supposed that either political altercations or legal promotions diverted his attention from the acquisition and diffusion of knowledge. He knew well the relative worth of politics and philosophy.

His love of knowledge was never checked, perhaps it was increased by his occupations in active life. "We judge," he says, "that mankind may conceive some hopes from our example, which we offer, not by way of ostentation, but because it may be useful. If any one therefore should despair, let him consider a man as much employed in civil affairs as any other of his age, a man of no great share of health, who must therefore have lost much time, and yet, in this undertaking he is the first that leads the way, unassisted by any mortal, and steadfastly entering the true path that was absolutely untrod before, and submitting his mind to things, may somewhat have advanced the design." (*d*) Politics employed, but the love of knowledge occupied his mind. (*e*) It advanced like the river, which is said to flow without mingling her streams with the waters of the lake through which it passes. (*f*)

During the vacation of this year, he escaped from exertions respecting the Union, (*g*) to Eton, where he conversed on the subject of education with his friend, Sir Henry Saville, then provost of the college; to whom, upon his return, he wrote the following letter:

To Sir Henry Saville.

Coming back from your invitation at Eton, where I had refreshed myself with company, which I loved; I fell into

(*b*) See note TTT at the end. (*d*) Nov. Org. Aph. v.

(*e*) See a letter of Bp. Hall's on the Pleasure of Study and Contemplation.

(*f*) Fuller's Holy State. Essay of Company, b. iii. c. 5.

(*g*) See his letter to Sir Robert Cotton, dated 8th Sept. 1604.

a consideration of that part of policy whereof philosophy speaketh too much, and laws too little; and that is, of education of youth. Whereupon fixing my mind awhile, I found straightways, and noted, even in the discourses of philosophers, which are so large in this argument, a strange silence concerning one principal part of that subject. For as touching the framing and seasoning of youth to moral virtues, (as tolerance of labours, continency from pleasures, obedience, honour, and the like,) they handle it; but *touching the improvement and helping of the intellectual powers, as of conceit, memory, and judgment, they say nothing;* whether it were, that they thought it to be a matter wherein nature only prevailed, or that they intended it, as referred to the several and proper arts, which teach the use of reason and speech.

But for the former of these two reasons, howsoever it pleaseth them to distinguish of habits and powers; the experience is manifest enough, that the motions and faculties of the wit and memory may be not only governed and guided, but also confirmed and enlarged, by customs and exercise daily applied: as if a man exercise shooting, he shall not only shoot nearer the mark, but also draw a stronger bow. (*a*) And as for the latter, of comprehending these precepts within the arts of logic and rhetoric; if it be rightly considered, their office is distinct altogether from this point; for it is no part of the doctrine of the use or handling of an instrument, to teach how to whet or grind the instrument to give it a sharp edge, or how to quench it, or otherwise, whereby to give it a stronger temper.

Wherefore, finding this part of knowledge not broken, I have, but "*tanquam aliud agens,*" entered into it, and salute you with it; dedicating it, after the ancient manner, first as to a dear friend, and then as to an apt person; for as

(*a*) The same remark will be found in one of his Essays.

much as you have both place to practise it, and judgment and leisure to look deeper into it than I have done. Herein you must call to mind, Ἄριστον μὲν ὕδωρ. Though the argument be not of great height and dignity, nevertheless it is of great and universal use. And yet I do not see why, to consider it rightly, that should not be a learning of height which teacheth to raise the highest and worthiest part of the mind. But, howsoever that be, if the world take any light and use by this writing, I will the gratulation be to the good friendship and acquaintance between us two. And so recommend you to God's divine protection.

With this letter he presented a tract upon "Helps to the Intellectual Powers," which contains similar observations upon the importance of knowledge and improvement of the Body. (*d*)

From these suggestions, the germ of his opinions upon the same subject in the Advancement of Learning, it appears that he considered the object of education to be knowledge and improvement of the body and of the mind.

How far society has, after the lapse of two centuries, concurred with him in these opinions, and, if he is not in error, how far we have acted upon his suggestions, may deserve a moment's consideration.

Bacon arranges knowledge respecting the body (*e*) into

- I. Health.
  - 1. The preservation.
  - 2. The cure of diseases.
  - 3. The prolongation of life.
- II. Strength.
  - 1. Athletic.
  - 2. Gymnastics.
- III. Beauty.
- IV. Pleasure.

(*d*) See vol. i. p. 337. (*e*) Adv. of Learning, vol. ii. p. 158.

These subjects considered of importance by Bacon; by the ancients, and by all physiologsts, (*b*) do not form any part of our University education. The formation of bodily habits, upon which our happiness and utility must be founded, are left to chance, to the customs of our parents, or the practices of our first college associates. All nature strives for life and for health. The smallest moss cannot be moved without disturbing myriads of living beings. If any part of the animal frame is injured, the whole system is active in restoring it: but man is daily cut off or withered in his prime; and, at the age of fifty, we stand amidst the tombs of our early friends.

At some future time the admonition of Bacon, that "although the world, to a christian travelling to the land of promise, be as it were a wilderness, yet that our shoes and vestments be less worn away while we sojourn in this wilderness, is to be esteemed a gift coming from divine goodness," may, perhaps, be considered deserving attention.

Bacon arranges knowledge respecting the mind into

- I. The understanding.
  - 1. Invention.
  - 2. Judgment.
  - 3. Memory.
  - 4. Tradition.
- II. The will.
  - 1. The image of good.
  - 2. The culture of the mind.

In the English universities there is not, except by a few lectures, some meagre explanations of logic, and some indirect instruction by mathematics upon mental fixedness, any information imparted upon the nature or conduct of

(*b*) See note QQQ at the end.

the understanding, and Locke might now repeat what he said more than a century ago: "although it is of the highest concernment that great care should be taken of the mind, to conduct it right in the search of knowledge and in the judgments it makes: yet the last resort a man has recourse to in the conduct of himself is his understanding. A few rules of logic are thought sufficient in this case for those who pretend to the highest improvement: and it is easy to perceive that men are guilty of a great many faults in the exercise and improvement of this faculty of the mind, which hinder them in their progress, and keep them in ignorance and error all their lives." (*a*)

At some future period our youth will, perhaps, be instructed in the different properties of our minds, *understanding, reason, imagination, memory, will,* (*b*) and be taught the nature and extent of our powers for the discovery of truth;—our different motives for the exercise of our powers;—the various obstacles to the acquisition of knowledge,—and the art of invention, by which our reason will be "rightly guided, and directed to the place where the star appears, and point to the very house where the babe lies."

In the English universities there are not any lectures upon the passions; but this subject, deemed important by all philosophy, human and divine, is disregarded, (*c*) except by such indirect information as may be obtained from the

(*a*) See Introduction to Locke's Conduct of the Understanding and to the Essay. See note Y Y Y at the end.

(*b*) "Facultates autem animæ notissimæ sunt; Intellectus, Ratio, Phantasia, Memoria, Appetitus, Voluntas denique universæ illæ, circæ quas versantur scientiæ Logicæ et Ethicæ." Augmentis Scientiarum, lib. iv, p. 242. Vol. viii. p. 242.

(*c*) See note W W W at the end.

poets and historians; by whom the love of our country is taught, perhaps, if only one mode is adopted, best taught, in the midst of Troy's flames: and friendship by Nisus eagerly sacrificing his own life to save his beloved Euryalus: and with such slight information we are suffered to embark upon our voyage, without any direct instruction as to the tempests by which we may be agitated; by which so many, believing they are led by light from heaven, are wrecked and lost; and so few reach the true haven of a well ordered mind; "that temple of God which he graceth with his perfection and blesseth with his peace, not suffering it to be removed although the earth be removed, and although the mountains be carried into the midst of the sea."

At some future time it may be deemed worthy of consideration whether inquiry ought not to be made of the nature of each passion, and the harmony which results from the exact and regular movement of the whole. (*z*)

Greatness of Britain.

In the fall of the year Bacon expressed to the Lord Chancellor an inclination to write a history of Great Britain; (*a*) and he prepared a work, inscribed to the King, upon its true greatness.

"Fortunatos nimium sua si bona norint."

In this work in which, he says, he has not any purpose vainly to represent this greatness, as in water, which shews things bigger than they are, but rather, as by an instrument of art, helping the sense to take a true magnitude and dimension, he intended an investigation of the general

(*z*) Saville was Provost of Eton. On Sept. 21 the King partook of a banquet at Eton College, and knighted Saville: this letter must therefore have been written after the 21st Sept.; and it seems to have been written in 1604, as it is a rudiment of that part of the Advancement of Learning which relates to universities, and was published in 1605.

(*a*) See vol. xii. p. 69.

truths upon which the prosperity of states depends, with a particular application of them to this island. He has, however, only drawn the outline, and filled up two or three detached parts, reserving the minute investigation of the whole subject for other works. (*b*)

According to his usual method, he commences the tract by clearing the way, in the removal of some erroneous opinions, on the dependence of government upon extent of territory;—upon wealth;—upon fruitfulness of soil;—and upon fortified towns. Each of these subjects it was his intention to have separately considered, but he has in this fragment completed only the two first sections.

Extent of territory.

To expose the error, that the strength of a kingdom depends upon the extent of territory, "Look," he says, "at the kingdom of Persia, which extended from Egypt to Bactria and the borders of the East, and yet was overthrown and conquered by a nation not much bigger than the isle of Britain. Look, too, at the state of Rome, which, when too extensive, became no better than a carcass, whereupon all the vultures and birds of prey of the world did seize and ravine for many ages; as a perpetual monument of the essential difference between the scale of miles and the scale of forces: and that the natural arms of each province or the protecting arms of the principal state, may, when the territory is too extensive, be unable to counteract the two dangers incident to every government, foreign invasion and inward rebellion."

Having thus generally refuted this erroneous opinion, he beautifully explains that the power of territory, as to ex-

(*b*) See vol. v. p. 311; also see his treatise on the Art of Government, which he notified the next year, and published in the decline of his life; see Advancement of Learning in fine, vol. ii. p. 295, and de Augmentis, vol. ix. p. 72; and see his essay on the true Greatness of Kingdoms and States, vol. i. p. 97.

tent, consists in compactness,—with the heart sufficient to support the extremities;—the arms, or martial virtues, answerable to the greatness of dominion;—and every part of the state profitable to the whole. Each of these sections is explained with his usual extensive and minute investigation, and his usual felicity of familiar illustration.

Compactness. With respect to *compactness*, he says, "Remember the tortoise, which, when any part is put forth from the shell, is endangered."

With respect to the *heart being sufficient* to sustain the extremities, "Remember," he says, "that the state of Rome, when it grew great, was compelled to naturalize the Latins, because the Roman stem could not bear the provinces and Italy both as branches; and the like they were contented after to do to most of the Gauls: and Sparta, when it embraced a larger empire, was compared to a river, which after it had run a great way, and taken other rivers and streams into it, ran strong and mighty, but about the head and fountain was shallow and weak."

Martial valour. With respect to *martial valour*, "Look," he says, "at every conquered state, at Persia and at Rome, which, while they flourished in arms, the largeness of territory was a strength to them, and added forces, added treasures, added reputation: but when they decayed in arms, then greatness became a burthen; like as great stature in a natural body is some advantage in youth, but is a burthen in age; so it is with great territory, which when a state beginneth to decline, doth make it stoop and buckle so much the faster."

And with respect to *each part being profitable* to the whole, he says, in allusion to the fable in Æsop, by which Agrippa appeased the tumult, that health of body and of state is promoted by the due action of all its parts, "Some provinces are more wealthy, some more populous, and some more warlike; some situate aptly for the excluding or

expulsing of foreigners, and some for the annoying and bridling of suspected and tumultuous subjects; some are profitable in present, and some may be converted and improved to profit by plantations and good policy."

He proceeds with the same minuteness to expose the error, that the power of government consists in *riches;* by explaining that the real power of wealth depends upon mediocrity, joined with martial valour and intelligence. Riches

The importance of martial valour and high chivalric spirit he avails himself of every opportunity to enforce. "Well," he says, "did Solon, who was no contemplative man, say to Crœsus, upon his shewing him his great treasures, 'When another comes with iron he will be master of all your gold;' and so Machiavel justly derideth the adage that money is the sinews of war, by saying, 'There are no other true sinews of war but the sinews and muscles of men's arms.'"

So impressed was he with the importance of elevating the national character that, three years before his death,(*a*) he spoke with still greater energy upon this subject, in his treatise upon the Greatness of States. "Above all things," he says, "cultivate a stout and warlike disposition of the people;(*b*) for walled towns, stored arsenals, goodly races of horses, chariots of war, elephants, ordnance, artillery, and the like, all this is but sheep in a lion's skin, unless the breeding and disposition of the people be warlike;" and, "as to the illusion that wealth may buy assistance, let the state which trusts to mercenary forces ever remember, that, by these purchases, if it spread its feathers

(*a*) De Augmentis, published 1623, vol. ix. p. 72.

(*b*) See Sir W. Jones's translation of the ode, by Alceus.

"What constitutes a state?
Not high rais'd battlement or labour'd mound,
Not cities proud with spires and turrets crown'd,
No: man, high-minded man, &c. &c."

for a time beyond the compass of its nest, it will mew them soon after;" and, in this spirit, he records various maxims to counteract the debasement of character attendant upon the worship of gold: and above all, the evil of sedentary and within-door mechanical arts, requiring rather the finger than the arm; which in Sparta, Athens, and Rome was left to slaves, and amongst christians should be the employment of aliens, and not of the natives, who should be tillers of ground, free servants, and labourers in strong and manly arts.

Such were the opinions of Bacon. How far they will meet with the approbation of political economists in these enlightened times, it is not necessary, in this analysis of his sentiments, to inquire. If he is in error, he may, in the infancy of the science of government, be pardoned for supposing that the national character would not be elevated by making sentient man a machine, or by those processes, by which bones and sinews, life and all that adorns life, is transmuted into gold. The bell by which the labourers are summoned to these many windowed fabrics in our manufacturing towns, sweeter to the lovers of gain than holy bell that tolls to parish church, would have sounded upon Bacon's ear with harsher import than the Norman curfew. (*a*) He may be pardoned, though he should warn us that in these temples, not of liberty, the national character will not be elevated by the employment of children, not in the temper of Him who took them in his arms, put his hands upon them and blessed them, but in never ceasing labour, with their morals sapped and undermined, their characters lowered and debased. It is possible that if he had witnessed the cowering looks and creeping gait, or shameless mirth of these little slaves, he might have

(*a*) See William Wordsworth's noble poem, "The Excursion."

thought of Thebes or Tyre or Palmyra, and of the instability of all human governments, whatever their present riches or grandeur may be, unless the people are elevated by virtue.

Such, however, were his sentiments; and, even if they are erroneous, it cannot but be lamented that the only parts of this work which are completed and applied to Great Britain, are those which relate to extent and wealth. The remaining errors of fruitfulness of the soil, and fortified towns are not investigated.

Having thus cleared the way by shewing in what the strength of government does not consist, he intended to explain in what it did consist:

1. In a fit situation, *to which his observations are confined.*
2. In the population and breed of men.
3. In the valour and military disposition of the people.
4. In the fitness of every man to be a soldier.
5. In the temper of the government to elevate the national character; and,
6. In command of the sea: *the dowry of Great Britain.*

During the next terms and the next sessions of parliament his legal and political exertions continued without intermission. Committees were appointed for the consideration of subsidies; of articles for religion; purveyors; recusants; restoring deposed ministers; abuses of the Marshalsea court, and for the better execution of penal laws in ecclesiastical causes. He was a member of them all; and, mindful of the mode in which, during the late session, he had discharged his duties as representative of the house, he was elected to deliver to the King the charge of the Commons respecting ecclesiastical grievances. 1605. Æt. 45.

In every debate in this session he was the powerful advocate, in speeches which now exist, for the union of the

kingdoms and the union of the laws; (a) during which he availed himself, according to his usual mode, when opportunity offered, to recommend as the first reform, the reform of the law, saying, "The mode of uniting the laws seemeth to me no less excellent than the work itself; for if both laws shall be united, it is of necessity, for preparation and inducement thereunto, that our own laws be reviewed and recompiled; than the which, I think, there cannot be a work that his majesty can undertake, in these his times of peace, more politic, more honourable, nor more beneficial to his subjects, for all ages."

Advancement of Learning.

In the midst of these laborious occupations he published his celebrated work upon "the Advancement of Learning," which professes to be a survey of the then existing knowledge, with a designation of the parts of science which were unexplored; the cultivated parts of the intellectual world and the desarts; a finished picture with an outline of what was untouched.

Within the outline is included the whole of science. After having examined the objections to learning;—the advantages of learning;—the places of learning or universities;—the books of learning or libraries, "the shrines where all the relics of the ancient saints, full of true virtue, and that without delusion or imposture, are preserved and reposed;"—after having thus cleared the way, and, as it were, "made silence to have the true nature of learning better heard and understood," he investigates all knowledge:

1st. Relating to the Memory, or History.
2nd. Relating to the Imagination, or Poetry.
3rd. Relating to the Understanding, or Philosophy.

(a) Vol. v. from 1 to 106.

Such is the outline: within it the work is minutely arranged, (*a*) abounds with great felicity of expression, and nervous language: but not contenting himself, by such arrangement, with the mere exhibition of truth, he adorned it with familiar, simple, and splendid imagery. (*b*)

(*a*) The arrangement of the work may be thus generally exhibited:

- I. The excellence of Learning, and its communication.
  - 1. Objections to learning.
    - 1. By divines.
    - 2. By politicians.
    - 3. From errors of learned men.
  - 2. Proofs of advantages of learning.
    - 1. Divine.
    - 2. Human.
- II. What has been done and what omitted.
  - 1. Preliminary.
    - 1. Universities.
    - 2. Libraries.
    - 3. Persons of the learned.
  - 2. Division.
    - 1. History.
    - 2. Poetry.
    - 3. Philosophy.
      - 1. Natural religion.
      - 2. Natural philosophy.
      - 3. Human philosophy.

(*b*) Disapproving of the manner of the stoics, who laboured to thrust virtue upon men by concise and sharp sentences and conclusions, which have no sympathy with the imagination and will, he in this work avails himself of every opportunity to reduce intellectual to sensible things. "That which is addressed to the senses," he says, "strikes more forcibly than that which is addressed to the intellect. The image of a huntsman pursuing a hare; or an apothecary putting his boxes in order; or a man making a speech; or a boy reciting verses by heart; or an actor upon the stage, are more easily remembered than the notions of invention, disposition, elocution, memory, and action." This work abounds, therefore, with ornament.

So, Shakespeare, in one of his sonnets, says:

> "Since I left you, mine eye is in my mind,
> And that which governs me to go about
> Doth part his function, and is partly blind,
> Seems seeing, but effectually is out;
> For it no form delivers to the heart
> Of bird, of flower, or shape, which it doth latch;

When speaking of the error of common minds retiring from active life, he says, "Pythagoras, being asked what he was, answered, that if Hiero were ever at the Olympic games, he knew the manner, that some came as merchants to utter their commodities, and some came to make good cheer, and some came to look on, and that he was one of them that came to look on; but men must know, that in this theatre of man's life, it is reserved only for God and angels to be lookers-on."(*c*) So, when explaining the danger to which intellect is exposed of running out into sensuality on its retirement from active life, he says, in another work,(*a*) "When I was chancellor I told Gondomar, the Spanish ambassador, that I would willingly forbear the honour to get rid of the burthen; that I had always a desire to lead a private life. Gondomar answered, that he would tell me a tale; 'My lord, there was once an old rat that would needs leave the world: he acquainted the young rats that he would retire into his hole, and spend his days in soli-

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Of his quick objects hath the mind no part,
Nor his own vision holds what it doth catch;
For if it see the rud'st or gentlest sight,
The most sweet favour, or deform'st creature,
The mountain or the sea, the day or night,
The crow, or dove, it shapes them to your feature.
Incapable of more, replete with you,
My most true mind thus maketh mine untrue."

So too, Fuller, speaking of the divine, says, "His similes and illustrations are alwaies familiar, never contemptible. Indeed reasons are the pillars of the fabric of a sermon, but similitudes are the windows which give the best lights."

I somewhere, but where I forget, have read that the mind of a celebrated divine was first excited to religious meditation by some Dutch tiles which ornamented the fireplace in his nursery.

(*c*) Advancement of Learning, vol. ii. p. 275.

(*a*) See vol. i. pp. 347 and 454.

tude, and commanded them to respect his philosophical seclusion. They forbore two or three days: at last one, hardier than his fellows, ventured in to see how he did; he entered, and found him sitting in the midst of a rich parmesan cheese.'"

In such familiar explanations did he indulge himself: it being his object not to inflate trifles into marvels, but to reduce marvels to plain things. Of these simple modes of illustrating truth it appears, from a volume of Apothegms, published in the decline of his life, and a recommendation of them, in this treatise, (*b*) as a useful appendage to history, that he had formed a collection.

When the subject required it, he, without departing from simplicity, selected images of a higher nature; as, when explaining how the body acts upon the mind, and anticipating the common senseless observation, that such investigations are injurious to religion, "Do not," he says, "imagine that inquiries of this nature question the immortality of the soul, or derogate from its sovereignty over the body. The infant in its mother's womb partakes of the accidents of its mother, but is separable in due season." (*e*) So, too, when explaining that the body is decomposed by the depredation of innate spirit and of ambient air, and that if the action of these causes can be prevented, the body will defy decomposition: "Have you never," he says, "seen a fly in amber, more beautifully entombed than an Egyptian monarch?" (*c*) and, when speaking of the resemblance in the different parts of nature, and calling upon his readers to observe that truths are general, he says, "Is not the delight of the quavering upon a stop

(*b*) See under Appendices to History, vol. ii. p. 118.

(*e*) Advancement of Learning, vol. ii. p. 157.

(*c*) Sylva Sylvarum, Cent. i. Art. 100.

in music the same with the playing of light upon the water,

'Splendet tremulo sub lumine pontus.'" (*d*)

Such are his beautiful and playful modes of familiarizing abstruse subjects: but to such instances he did not confine himself. He was too well acquainted with our nature, merely to explain truth without occasionally raising the mind by noble and lofty images to love it.

It must not be supposed that, because he illustrated his thoughts, he was misled by imagination, which never had precedence, but always followed in the train of his reason: (*a*) or, because he had recourse to arrangement, that he was enslaved by method, which he always disliked, as impeding the progress of knowledge. (*a*) It is, therefore, his constant admonition, that a plain, unadorned style, in aphorisms, is the proper style for philosophy; and in aphorisms the Novum Organum and his tract on Universal Justice are composed. But, although this was his general opinion; although he was too well acquainted with what he terms the idols of the mind, to be diverted from truth by the love of order; yet, knowing the charms of theory and system, and the necessity of adopting them to insure a favourable reception for abstruse works, he did not reject these garlands, at once the ornament and fetters of science. They may now, perhaps, be laid aside, and the noble temple which he raised may be destroyed; but its gorgeous magnificence will never be forgotten, and amidst the ruins a noble statue will be seen by every true worshipper of beauty and of knowledge.

To form a correct judgment of the merits of this treatise

(*d*) De Aug. lib. iii. c. i. v. 8. p. 155.

(*a*) See note RRR at the end.

it is but justice to the author to remember, both the time when it was written and the persons for whom it was composed, "length and ornament of speech being fit for persuasion of multitudes, although not for information of kings."

The work is divided into two books: the first consisting of his dedication to the King;—of his statement of the objections to learning, by divines, by politicians, and from the errors of learned men;—and of some of the advantages of knowledge. Division.

If, in compliance with the custom of the times, (*c*) or from an opinion that wisdom, although it ought not to stoop to persons, should submit to occasions, (*a*) or from a morbid anxiety to accelerate the advancement (*b*) of know- Dedication.

(*c*) See the last note in the work.

(*a*) "Not that I can tax or condemn the morigeration or application of learned men to men in fortune. For the answer was good that Diogenes made to one that asked him in mockery, 'How it came to pass that philosophers were the followers of rich men, and not rich men of philosophers?' He answered soberly, and yet sharply, 'Because the one sort knew what they had need of, and the other did not.' And of the like nature was the answer which Aristippus made, when having a petition to Dionysius, and no ear given to him, he fell down at his feet; whereupon Dionysius staid, and gave him the hearing, and granted it: and afterward some person, tender on the behalf of philosophy, reproved Aristippus, that he would offer the profession of philosophy such an indignity, as for a private suit to fall at a tyrant's feet: but he answered, 'It was not his fault, but it was the fault of Dionysius, that he had his ears in his feet.' Neither was it accounted weakness, but discretion in him that would not dispute his best with Adrianus Cæsar; excusing himself, 'That it was reason to yield to him that commanded thirty legions.' These and the like applications, and stooping to points of necessity and convenience, cannot be disallowed; for, though they may have some outward baseness, yet in a judgment truly made, they are to be accounted submissions to the occasion, and not to the person."

(*b*) It is so difficult to love and be wise, that Bacon was constantly over anxious to accelerate the progress of knowledge: "I have held up a light," he says, "in the obscurity of philosophy, which will be seen centuries after

ledge, Bacon could delude himself by the supposition that his fulsome dedication to the King was consistent either with the simplicity or dignity of philosophy, he must have forgotten what Seneca said to Nero, "Suffer me to stay here a little longer with thee, not to flatter thine ear, for that is not my custom, as I have always preferred to offend by truth than to please by flattery." He must have forgotten that when Æsop said to Solon, "Either we must not come to princes, or we must seek to please and content them; Solon answered, "Either we must not come to princes at all, or we must speak truly and counsel them for the best." He must have forgotten his own doctrine, that books ought to have no patrons but truth and reason, (*c*)

I am dead;" but not content with this, he imagined that the protection of kings was necessary for the protection of truth, forgetting his own doctrine that, "veritas temporis filia dicitur non authoritatis."

In his letter of the 12th of October, 1620, to the King, he says, speaking of the Novum Organum: "This work is but a new body of clay, whereinto your Majesty, by your countenance and protection, may breathe life. And, to tell your Majesty truly what I think, I account your favour may be to this work as much as an hundred years time: for I am persuaded, the work will gain upon men's minds in ages, but your grace may make it take hold more swiftly: which I would be very glad of, it being a work meant, not for praise or glory, but for practice, and the good of men."

If this opinion of the necessity of the King's protection, or of any patronage, for the progress of knowledge, be now supposed a weakness: if in these times, and in this enlightened country, truth has nothing to dread: if Galileo may now, without fear of the inquisition, assert that the earth moves round; or when an altar is raised to the "unknown God," he who is ignorantly worshipped, we may declare; let us not be unmindful of the present state of the press in our countries, or forget that, although Bacon saw a little ray of distant light, yet that it was seen from far, the refraction of truth yet below the horizon.

(*c*) "But in the mean time I have no purpose to give allowance to some conditions and courses base and unworthy, wherein divers professors of learning have wronged themselves, and gone too far; such as were those trencher philosophers, which in the later age of the Roman state were

and he must also have forgotten his own nervous and beautiful admonition, that "the honest and just bounds of observation by one person upon another extend no further but to understand him sufficiently whereby not to give him offence; or whereby to be able to give him faithful counsel; or whereby to stand upon reasonable guard and caution with respect to a man's self: but to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous, which as in friendship it is want of integrity, so towards princes or superiors it is want of duty."

Objections of divines and politicians.

If his work had been addressed to the philosophy of the country, instead of having confined his professional objections to divines and politicians, he would have explained that, as our opinions always constitute our intellectual and often our worldly wealth, prejudice is common to us all, (*a*) and is particularly conspicuous amongst all professional men with respect to the sciences which they profess. (*a*)

Errors of learned men.

His objections to learning from the errors of learned men contain his observations upon the study of words; upon useless knowledge; and upon falsehood, called by him delicate learning; contentious learning; and fantastical learning; all of them erroneously considered objections to

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usually in the houses of great persons, being little better than solemn parasites. Neither is the modern dedication of books and writings, as to patrons, to be commended: for that books, such as are worthy the name of books, ought to have no patrons but truth and reason. And the ancient custom was to dedicate them only to private and equal friends, or to entitle the books with their names; or if to kings and great persons, it was to some such as the argument of the book was fit and proper for: but these and the like courses may deserve rather reprehension than defence."

(*a*) See postea, under Novum Organum.

learning; as the study of words is merely the selection of one species of knowledge; and contentious learning is only the conflict of opinion which ever exists when any science is in progress, and the way from sense to the understanding is not sufficiently cleared; (*c*) and falsehood is one of the consequences attendant upon inquiry, as our opinions, being formed not only by impressions upon our senses, but by confidence in the communication of others and our own reasonings, unavoidably teem with error, which can by time alone be corrected.

Study of words.

As it is Bacon's doctrine that knowledge consists in understanding the properties of creatures and the names by which they are called, "the occupation of Adam in Paradise," (*d*) it may seem extraordinary that he should not have formed a higher estimate than he appears to have formed of the study of words. Words assist thought; they teach us correctness; they enable us to acquire the knowledge and character of other nations; (*e*) and the

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(*c*) See Nov. Org. Aph. 76. vol. ix. p. 227.

(*d*) Advancement of Learning, vol. ii. p. 55.

(*e*) The following ingenious observations are from the De Augmentis, book vi. chap. i. vol. viii. p. 309. "Atque unà etiam hoc pacto capientur signa haud levia, sed observatu digna (quod fortassè quispiam non putaret) de ingeniis et moribus populorum et nationum, ex linguis ipsorum. Equidem libentèr audio Ciceronem notantem, quòd apud Græcos desit verbum, quod Latinum illud Ineptum reddat; 'Propterea,' inquit, 'quòd Græcis hoc vitium tam familiare fuit, ut illud in se ne agnoscerent quidem:' digna certè gravitate Romanâ censura. Quid illud quòd Græci in compositionibus verborum tantâ licentiâ usi sunt, Romani contrà magnam in hâc re severitatem adhibuerunt? Planè colligat quis Græcos fuisse artibus, Romanos rebus gerendis, magis idoneos. Artium enim distinctiones verborum compositionem ferè exigunt; at res et negotia simpliciora verba postulant. Quin Hebræi tantum compositiones illas refugiunt, ut malint metaphorâ abuti quàm compositionem introducere. Quinetiam verbis tam paucis et minimè commixtis utuntur, ut planè ex linguâ ipsâ quis perspiciat gentem fuisse illam Nazaræam, et a reliquis gentibus separatam. Annon et illud

study of ancient literature in particular, if it is not an exercise of the intellect, is a discipline of humanity; if it do not strengthen the understanding, it softens and refines the taste; it gives us liberal views; it accustoms the mind to take an interest in things foreign to itself; to love virtue for its own sake; to prefer glory to riches, and to fix our thoughts on the remote and permanent, instead of narrow and fleeting objects. It teaches us to believe that there is really something great and excellent in the world, surviving all the shocks and accidents and fluctuations of opinion, and raises us above that low and servile fear, which bows only to present power and upstart authority. Rome and Athens filled a place in the history of mankind which can never be occupied again. They were two cities set on a hill which can not be hid; all eyes have seen them, and their light shines like a mighty sea-mark into the abyss of time,

> "Still green with bays each ancient altar stands."(*a*)

But, notwithstanding these advantages, Bacon says, "the studying words and not matter is a distemper of learning, of which Pygmalion's frenzy is a good emblem; for words are but the images of matter, and to fall in love with them is all one as to fall in love with a picture." (*b*)

These different subjects are classed under the quaint

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observatione dignum (licèt nobis modernis spiritus nonnihil retundat) antiquas linguas plenas declinationum, casuum, conjugationum, temporum, et similium fuisse; modernas, his ferè destitutas, plurima per præpositiones et verbâ auxiliaria segnitèr expedire? Sanè facilè quis conjiciat, utcùnque nobis ipsi placemus, ingenia priorum sæculorum nostris fuisse multò acutiora et subtiliora. Innumera sunt ejusmodi, quæ justum volumen complere possint."

(*a*) See this passage in William Hazlitt's Table Talk.

(*b*) Vol. ii. p. 37.

expression of "Distempers of Learning," to which, that the metaphor may be preserved, he has appended various other defects, under the more quaint term of "peccant Humours of Learning." (*b*)

His observations upon the advantages of learning, although encumbered by fanciful and minute analysis, abound with beauty; for, not contenting himself with the simple position with which philosophy would be satisfied, that knowledge teaches us how to select what is beneficial and avoid what is injurious, he enumerates various modes, divine and human, by which the happiness resulting from knowledge ever has been and ever will be manifested.

After having stated what he terms *divine* proofs of the advantages of knowledge, he says, the *human* proofs are:

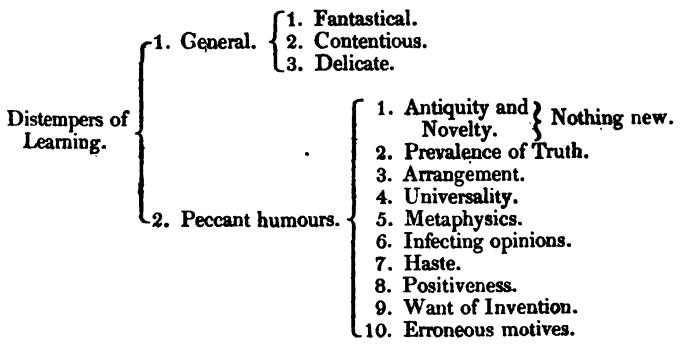
1. Learning diminishes afflictions from nature.
2. Learning diminishes evils from man to man.
3. There is a union between learning and military virtue.
4. Learning improves private virtues.
    1. It takes away the barbarism of men's minds.
    2. It takes away levity, temerity, and insolency.
    3. It takes away vain admiration.
    4. It takes away or mitigates fear.
    5. It disposes the constitution of the mind not to be fixed or settled in its defects, but to be susceptible of growth and reformation.
5. It is power.
6. It advances fortune.
7. It is our greatest source of delight.
8. It insures immortality.

(*b*) See next page for the Analysis.

These positions are proved by all the force of his reason, and adorned by all the beauty of his imagination. When speaking of the power of knowledge to repress the inconveniences which arise from man to man, he says, "In Orpheus's theatre all beasts and birds assembled, and, forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men, who are full of savage and unreclaimed desires of profit, of lust, of revenge; which, as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence and persuasion of books, of sermons, of harangues, so long is society and peace maintained; but if these instruments be silent, or sedition and tumult make them not audible, all things dissolve into anarchy and confusion." Government.

So when explaining, amidst the advantages of knowledge, its excellency in diffusing happiness through succeeding ages, he says, "Let us conclude with the dignity and excellency of knowledge and learning in that where- Posthumous fame.

The Analysis of this subject is as follows:



unto man's nature doth most aspire, which is, immortality or continuance: for to this tendeth generation, and raising of houses and families; to this buildings, foundations, and monuments; to this tendeth the desire of memory, fame, and celebration, and in effect the strength of all other human desires. We see then how far the monuments of wit and learning are more durable than the monuments of power or of the hands. For have not the verses of Homer continued twenty-five hundred years, or more, without the loss of a syllable or letter; during which time infinite palaces, temples, castles, cities, have been decayed and destroyed? It is not possible to have the true pictures or statues of Cyrus, Alexander, Cæsar; no, nor of the kings or great personages of much later years; for the originals cannot last, and the copies cannot but leese of the life and truth: but the images of men's wits and knowledges remain in books exempted from the wrong of time, and capable of perpetual renovation. Neither are they fitly to be called images, because they generate still, and cast their seeds in the minds of others, provoking and causing infinite actions and opinions in succeeding ages; so that, if the invention of the ship was thought so noble, which carrieth riches and commodities from place to place, and consociateth the most remote regions in participation of their fruits, how much more are letters to be magnified, which, as ships, pass through the vast seas of time, and make ages so distant to participate of the wisdom, illuminations and inventions, the one of the other?"

After having thus explained some of the blessings attendant upon knowledge, he concludes the first book with lamenting that these blessings are not more generally preferred. (*a*)

(*a*) See ante, page xi.

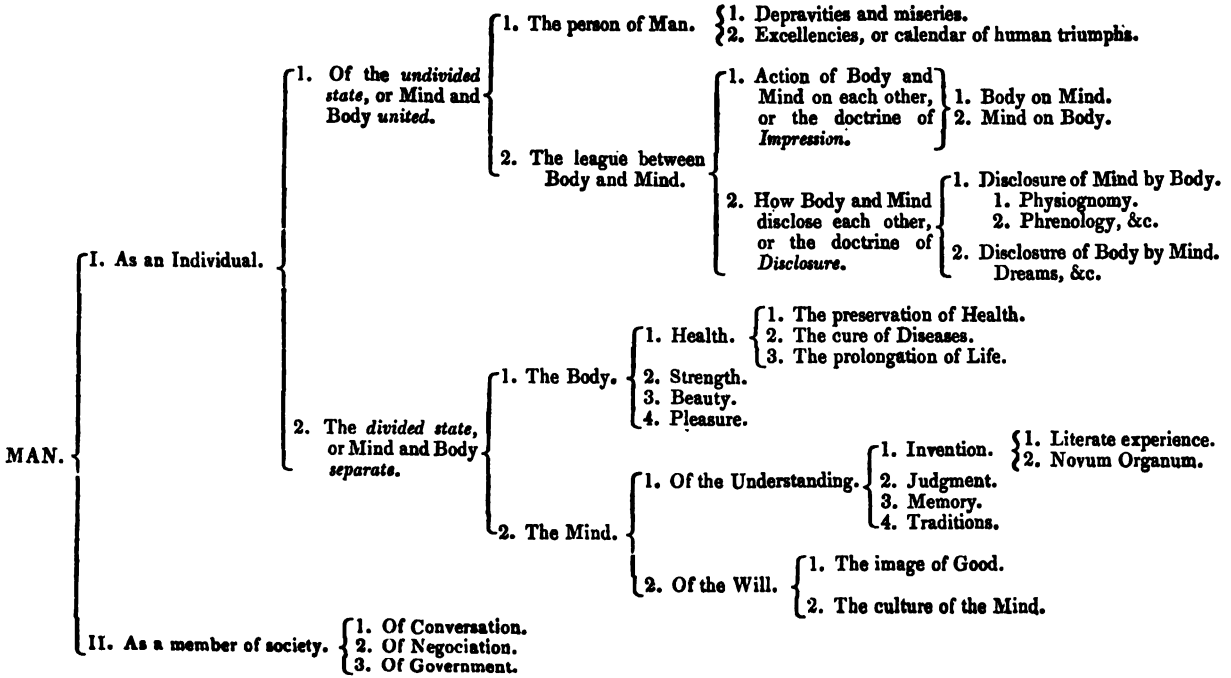
The second book, after various preliminary observations, and particularly upon the defects of universities,(*b*) of which, from the supposition that they are formed rather for the discovery of new knowledge than for diffusing the knowledge of our predecessors, he, through life, seems to have formed too high an estimate, he arranges and adorns every species of history,(*d*) which he includes within the province of memory,—and every species of poetry,(*e*) by which imagination can "elevate the mind from the dungeon of the body to the enjoying its own divine essence:"—and, passing from poetry, by saying, "but it is not good to stay too long in the theatre: let us now pass on to the judicial place or palace of the mind, which we are to approach and view with more reverence and attention," he proceeds to the investigation of every species of philosophy, divine, natural, and human, of which, from his analysis of human philosophy, or the science of man, some conception may be formed of the extent and perfection of the different parts of the work.

(*b*) See note K at the end.

(*d*) The following is his Analysis of History:

- 1. Different Histories.
  - 1. Natural.
    - 1. Of Creatures.
    - 2. Of Marvels.
    - 3. Of Arts.
  - 2. Civil.
    - 1. Fragments.
      - 1. Memorials.
      - 2. Antiquities.
    - 2. Perfect.
      - 1. Simple.
        - 1. Biography.
        - 2. Chronicles.
        - 3. Relations.
      - 2. Mixed.
  - 3. Ecclesiastical.
    - 1. The Church.
    - 2. Prophecy.
    - 3. Providence.
- 2. Appendices.
  - 1. Memorials.
  - 2. Epistles.
  - 3. Apothegms.

(*e*) 1. Narrative. 2. Representative. 3. Parabolical.


MAN.
I. As an Individual.
1. Of the *undivided state*, or Mind and Body *united*.
1. The person of Man.
1. Depravities and miseries.
2. Excellencies, or calendar of human triumphs.
2. The league between Body and Mind.
1. Action of Body and Mind on each other, or the doctrine of *Impression*.
1. Body on Mind.
2. Mind on Body.
2. How Body and Mind disclose each other, or the doctrine of *Disclosure*.
1. Disclosure of Mind by Body.
1. Physiognomy.
2. Phrenology, &c.
2. Disclosure of Body by Mind.
Dreams, &c.
2. The *divided state*, or Mind and Body *separate*.
1. The Body.
1. Health.
1. The preservation of Health.
2. The cure of Diseases.
3. The prolongation of Life.
2. Strength.
3. Beauty.
4. Pleasure.
2. The Mind.
1. Of the Understanding.
1. Invention.
1. Literate experience.
2. Novum Organum.
2. Judgment.
3. Memory.
4. Traditions.
2. Of the Will.
1. The image of Good.
2. The culture of the Mind.
II. As a member of society.
1. Of Conversation.
2. Of Negociation.
3. Of Government.

These different subjects, exhibited with this perspicuity, are adorned with beautiful illustration and imagery: as, when explaining the doctrine of the will, divided into the image of good or the exhibition of truth, and the culture or Georgics of the mind, which is its husbandry or tillage so as to love the truth which it sees, he says, "The neglecting these Georgics seemeth to me no better than to exhibit a fair image or statue, beautiful to behold, but without life or motion." (*a*)

Having thus made a small globe of the intellectual world, he, looking at the work he had made, and hoping that it was good, thus concludes: "And being now at some pause, looking back into that I have passed through, this writing seemeth to me, 'si nunquam fallit imago,' (as far as a man can judge of his own work) not much better than the noise or sound which musicians make while they are tuning their instruments, which is nothing pleasant to hear, but yet is a cause why the music is sweeter afterwards: so have I been content to tune the instruments of the muses, that they may play that have better hands. And surely, when I set before me the condition of these times, in which learning hath made her

(*a*) The passage is as follows: "In the handling of this science, those which have written seem to me to have done as if a man, that professeth to teach to write did only exhibit fair copies of alphabets and letters joined, without giving any precepts or directions for the carriage of the hand and framing of the letters: so have they made good and fair exemplars and copies, carrying the draughts and portraitures of good, virtue, duty, felicity; propounding them well described as the true objects and scopes of man's will and desires; but how to attain these excellent marks, and how to frame and subdue the will of man to become true and conformable to these pursuits, they pass it over altogether," &c.

third visitation or circuit in all the qualities thereof: as the excellency and vivacity of the wits of this age; the noble helps and lights which we have by the travails of ancient writers; the art of printing, which communicateth books to men of all fortunes; the openness of the world by navigation, which hath disclosed multitudes of experiments, and a mass of natural history; the leisure wherewith these times abound, not employing men so generally in civil business as the states of Græcia did, in respect of their popularity, and the state of Rome, in respect of the greatness of their monarchy; the present disposition of these times at this instant to peace; the consumption of all that ever can be said in controversies of religion, which have so much diverted men from other sciences; and the inseparable property of time, which is ever more and more to disclose truth,—I cannot but be raised to this persuasion, that this third period of time will far surpass that of the Grecian and Roman learning; only if men will know their own strength, and their own weakness both; and take, one from the other, light of invention, and not fire of contradiction; and esteem of the inquisition of truth, as of an enterprize, and not as of a quality or ornament; and employ wit and magnificence to things of worth and excellency, and not to things vulgar and of popular estimation."

Of this work he presented copies to the King and to different statesmen, and, to secure its perpetuity, he exerted himself with his friends to procure a translation of it into Latin, which, in the decline of his life, he accomplished.(*a*)

1606. Æt. 46. As a philosopher, Bacon, who beheld all things from a cliff, thus viewed the intellectual globe, dilating his sight to survey the whole of science, and contracting it so that the minutest object could not escape him.

(*a*) For the different editions and further particulars of this work, see note AAA at the end.

Sweet as such speculations were to such a mind: pleasing as the labour must have been in surmounting the steeps: delightful to tarry upon them, and painful to quit them, he did not suffer contemplation to absorb his mind; but as a statesman, he was ever in action, ever advancing the welfare of his country. These opposite exertions were the necessary result of his peculiar mind; for, as knowledge takes away vain admiration, as no man marvels at the play of puppets who has been behind the curtain, (*a*) Bacon could not have been misled by the baubles by which common minds are delighted; (*d*) and, as he had examined the nature of all pleasures, and felt that knowledge and benevolence, which is ever in its train, surpassed them all; (*e*) the chief source of his happiness, wherever situated, must have consisted in diminishing evil and in promoting good.

With his delicate health and intense love of knowledge, he ought in prudence to have shunned the broad way and the green, and retreated to contemplation; but it was his favourite opinion that, "in this theatre of man's life, God and angels only should be lookers-on; that contemplation and action ought ever to be united, a conjunction like unto that of the two highest planets, Saturn the planet of rest, and Jupiter the planet of action."

He could not, thus thinking, but engage in active life; and, so engaged, he could not but act in obedience to the passion by which he was alone animated; by exerting himself and endeavouring to excite others to promote the public good. We find him, therefore, labouring as a statesman and a patriot to improve the condition of Ireland; to

(*a*) Advancement of Learning, vol. ii. p. 80.

(*d*) When the populace huzzaed Dr. Swift upon his arrival in Ireland, "I wish," he said, "they would huzza my lord mayor."

(*e*) Advancement of Learning, vol. ii. p. 85.

promote the union of England and Scotland; to correct the errors which had crept into our religious establishments, and to assist in the amendment of the law; and, not content with the fruits of his own exertions, calling upon all classes of society to co-operate in reform.

To professional men he says, "I hold that every man is a debtor to his profession, from the which, as men do of course seek to receive countenance and profit, so ought they to endeavour themselves by way of amends, to be a help and ornament."(*a*) And he admonishes the King, that, "as a duty to himself, to the people, and to the King of kings, he ought to erect temples, tombs, palaces, theatres, bridges, make noble roads, cut canals, grant multitude of charters and liberties for comfort of decayed companies and corporations; found colleges and lectures for learning and the education of youth; institute orders and fraternities for nobility, enterprize, and obedience; but, above all, establish good laws for the regulation of the kingdom, and as an example to the world."

Ireland. On the first day of the ensuing year he thus presented, as a new year's gift to the King, a discourse touching the plantation of Ireland: (*b*) "I know not better how to express my good wishes of a new year to your majesty, than by this little book, which in all humbleness I send you. The style is a style of business, rather than curious or elaborate. And herein I was encouraged by my experience of your majesty's former grace, in accepting of the like poor field fruits touching the union. And certainly I reckon this action as a second brother to the union. For I assure myself that England, Scotland, and Ireland, well united, is such a trefoil as no prince except yourself, who are the worthiest, weareth in his crown."

(*a*) See note 3 G at the end. (*b*) Vol. v. p. 170.

In this discourse, his knowledge of the miseries of Ireland, that still neglected country, and of the mode of preventing them, with his heartfelt anxiety for her welfare, appears in all his ardent endeavours, by all the power he possessed, to insure the King's exertions for "this desolate and neglected country, blessed with almost all the dowries of nature, with rivers, havens, woods, quarries, good soil, temperate climate, and a race and generation of men, valiant, hard, and active, as it is not easy to find such confluence of commodities, if the hand of man did join with the hand of nature; but they are severed,—the harp of Ireland is not strung or attuned to concord. This work, therefore, of all other, most memorable and honourable, your majesty hath now in hand; specially, if your majesty join the harp of David in casting out the evil spirit of superstition, with the harp of Orpheus, in casting out desolation and barbarism."(*a*)

His exertions respecting the union of England and Scot- Scotland.
land were, both in and out of parliament, strenuous and unremitted. He spoke whenever the subject was agitated. He was a member of every committee that was formed to carry it into effect: he prepared the certificate of the commissioners appointed to treat of the union: and he was selected to report the result of a conference with the Lords; until, exhausted by fatigue, he was compelled to intercede with the house that he might be assisted by the co-operation of other members in the discharge of these arduous duties; (*b*) and, it having been decided by all the judges, after an able argument of Bacon's, that all persons born in Scotland *after* the King's commission were natural born subjects, he laboured in parliament to extend these privi-

(*a*) Speech on General Naturalization.

(*b*) Commons' Journals.

leges to all Scotland, that the rights enjoyed by the children should not be withheld from their parents.

The journals of the Commons contain an outline of many of his speeches, of which one upon the union of laws, and another upon the general naturalization of the Scottish nation were completed, and have been preserved; and are powerful evidence of his zeal and ability in this good cause, exerted at the risk of the popularity, which, by his independent conduct in parliament, he had justly acquired. (*a*) But he did not confine his activity to the bar or to the House of Commons. In his hours of recreation he wrote three works for the use of the King: "A Discourse upon the happy Union; (*b*) "Considerations on the same;" (*c*) and a preparation towards "the union of these two mighty and warlike nations under one sovereign and monarchy, and between whom there are no mountains or races of hills, no seas or great rivers, no diversity of tongue or language that hath created or provoked this ancient and too long continued divorce."

Church Reform.

His anxiety to assist in the improvement of the church appears in his exertions in parliament, and in his publications in his times of recreation. When assisting in the improvement of our civil establishment, he was ever mindful that our country ought to be treated as our parents, with mildness and persuasion, and not with contestations; (*d*) and, in his suggestions for the improvement of our religious establishments, his thoughts have a glory around them, from the reverence with which he always approaches this sacred subject, and particularly on the eve of times, which he foresaw, when voices in religion were to be numbered and not weighed, and when his daily prayer was, "Remember, O Lord, how thy servant hath walked before

(*a*) Vol. v. p. 1.
(*b*) Vol. v. p. 16.
(*c*) Vol. v. p. 1 to 106.
(*d*) Advancement of Learning.

thee: remember what I have first sought, and what hath been principal in my intentions. I have loved thy assemblies: I have mourned for the division of the church: I have delighted in the brightness of thy sanctuary. This vine which thy right hand hath planted in this nation, I have ever prayed unto thee that it might stretch her branches to the seas and to the floods."

His publications are two: the one entitled, "An Advertisement, touching the Controversies of the Church of England;" the other "Certain Considerations touching the better Pacification and Edification of the Church of England." These tracts abound with thought; and, according to his usual mode, consist of an extensive survey of the whole of our religious establishment, and the most minute observations of all its parts, even to the surplice of the minister, that simple pastoral garment, which, with the crook to guide, and to draw back the erring flock, beautiful emblems of the good shepherd, are still retained by the established church.

Church Controversies.

His tract upon *church controversies* (*a*) contains an outline of all religious disputes, and abounds with observations well worthy the consideration of ecclesiastical controversialists; who will, perchance, submit to be admonished by Bacon that, as christians, they should contend, not as the briar with the thistle, which is most unprofitable, but as the vine with the olive, which bears best fruit.

Edification of the Church.

The considerations touching the *pacification of the church* are dedicated to the King; and, after apologizing for his interposition as a layman with ecclesiastical matters, (*b*) and describing the nature of the various reformers, and the objections to the reform of the church, he examines with great accuracy the government of bishops,—the

(*a*) See this tract analyzed, vol. vii. p. xx. in preface, and see the tract in text, vol. vii. p. 28.

(*b*) Vol. v. p. 61.

liturgy,—the ceremonies, and subscription,—a preaching ministry,—the abuse of excommunications,—the provision for sufficient maintenance in the church, and non-residents and pluralities, of which he says: "For non-residence, except it be in case of necessary absence, it seemeth an abuse, drawn out of covetousness and sloth; for that men should live of the flock that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted."(*a*) And he thus concludes: "Thus have I, in all humbleness and sincerity of heart, to the best of my understanding, given your majesty tribute of my cares and cogitations in this holy business, so highly tending to God's glory, your majesty's honour, and the peace and welfare of your states; insomuch as I am persuaded, that the papists themselves should not need so much the severity of penal laws, if the sword of the spirit were better edged, by strengthening the authority, and suppressing the abuses in the church."

Solicitor General. 1607. Æt. 47.

Early in this year an event occurred of considerable importance to his worldly prospects and professional tranquillity, by the promotion of Sir Edward Coke from the office of Attorney General to the Chief Justiceship of the Common Pleas, occasioning a vacancy in the office of Solicitor General, which Bacon strenuously exerted himself to obtain, under the delusion, that, by increasing his practice, he should be enabled sooner to retire into contemplative life. He applied to Lord Salisbury, to the Lord Chancellor,(*b*) and to the King, by whom on the 25th

(*a*) The good shepherd knoweth his sheep, and is known of them; but the hireling fleeth because he is an hireling.

(*b*) His letter to the Chancellor concludes with saying, "I am much

day of June, 1607, he was appointed Solicitor, to the great satisfaction of his profession, (*c*) the prospect of worldly emolument, and the hope of professional tranquillity, by a removal from conflict with the coarse mind and acrid humour of Sir Edward Coke, rude to his equals and insolent to the unfortunate.

Who can forget his treatment of Bacon who, when reviled, reviled not again, (*d*) but in due season thus expostulated with him:

Mr. Attorney,—I thought best once for all, to let you know in plainness what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, my experience, my discretion. What it pleaseth you I pray think of me; I am one that knows both mine own wants and other men's: and it may be, perchance, that mine mend, others stand at a stay. And surely, I may not endure in public place to be wronged, without repelling the same to my best advantage to right myself. You are great, and therefore have the more enviers,

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deceived if your lordship find not the King well inclined, and my Lord Salisbury forward and affectionate."

(*c*) In his letter to Lord Salisbury, he says, "I have been voiced to this office."

(*d*) "A true Remembrance of the Abuse I received of Mr. Attorney General publicly in the Exchequer the first day of term; for the truth whereof I refer myself to all that were present.

"I moved to have a reseizure of the lands of George More, a relapsed recusant, a fugitive, and a practising traitor; and shewed better matter for the Queen against the discharge by plea, which is ever with a 'salvo jure.' And this I did in as gentle and reasonable terms as might be.

"Mr. Attorney kindled at it, and said, 'Mr. Bacon, if you have any tooth against me, pluck it out; for it will do you more hurt than all the teeth in your head will do you good.' I answered coldly in these very words; 'Mr. Attorney, I respect you: I fear you not; and the less you speak of your own greatness, the more I will think of it.'

"He replied, 'I think scorn to stand upon terms of greatness towards

which would be glad to have you paid at another's cost. Since the time I missed the Solicitor's place, the rather, I think, by your means, I cannot expect that you and I shall ever serve as Attorney and Solicitor together, but either to serve with another, upon your remove, or to step into some other course; so as I am more free than ever I was from any occasion of unworthy conforming myself to you more than general good manners, or your particular good usage shall provoke: and, if you had not been short-sighted in your own fortune, as I think, you might have had more use of me; but that tide is passed. I write not this, to show my friends what a brave letter I have written to Mr. Attorney; I have none of those humours, but that I have written is to a good end: that is, to the more decent carriage of my master's service, and to our particular better understanding one of another. This letter, if it shall be answered by you in deed and not in word, I suppose it will not be worse for us both; else it is but a few lines lost, which, for a much smaller matter I would have adventured. So this being to yourself, I for my part rest, &c.

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you, who are less than little; less than the least:' and other such strange light terms he gave me, with that insulting, which cannot be expressed.

"Herewith stirred, yet I said no more but this: 'Mr. Attorney, do not depress me so far; for I have been your better, and may be again, when it please the Queen.'

"With this he spake, neither I nor himself could tell what, as if he had been born attorney general; and in the end bade me not meddle with the Queen's business, but with mine own, and that I was unsworn, &c. I told him, sworn or unsworn was all one to an honest man; and that I ever set my service first, and myself second; and wished to God, that he would do the like.

"Then he said, it were good to clap a 'cap. utlegatum' upon my back! To which I only said he could not; and that he was at fault; for he hunted upon an old scent.

"He gave me a number of disgraceful words besides; which I answered with silence, and shewing that I was not moved with them."

Of Coke's bitter spirit there are so many painful instances, that, unless Bacon had to complain of unfairness in other matters, the acrimony which overflowed upon all, could not be considered altogether the effect of personal rivalry. It would have been well had his morbid feelings been confined to his professional opponents; but, unmindful of the old maxim, "let him take heed how he strikes, who strikes with a dead hand," his rancorous abuse extended to prisoners on trials for their lives, (*a*) for which he was severely censured by Bacon, who told him that in his pleadings he was ever wont to insult over misery. (*b*)

Who can forget Coke's treatment of Raleigh, entitled as he was by station and attainments to the civil observances of a gentleman, and, by long imprisonment and subsequent misfortunes, to the commiseration of all men. It is true that there were some persons present at this trial, who remembered that Raleigh and Cobham had stood only a few years before, with an open satisfaction, to witness the death of Essex, against whom they had secretly conspired; but even the sense of retributive justice, though it might deaden their pity, could not lessen their disgust at the cruel and vulgar invectives of Coke, whose knowledge neither expanded his intellect, or civilized his manners. Fierce with dark keeping, his mind resembled some of those gloomy structures where records and muniments are piled to the exclusion of all higher or nobler matters. For genius he had no love: with philosophy he had no sympathy.

Upon the trial of Raleigh, Coke, after denouncing him

(*a*) Coke, upon the trial of Mrs. Turner, told her that she was "guilty of the seven deadly sins;" that she was "a whore, a bawd, a sorcerer, a witch, a papist, a felon, and a murderer."

(*b*) Letter of expostulation, vol. vii. p. 297.

as an atheist and a traitor, reproached him, with the usual antipathy of a contracted mind to superior intellect, for being a genius and man of wit. (c)

(c) Raleigh. To whom speak you this? You tell me news I never heard of.

Attorney. Oh, sir, do I? I will prove you the notoriest traitor that ever came to the bar. After you have taken away the King, you would alter religion: as you, Sir Walter Raleigh, have followed them of the bye in imitation; for I will charge you with the words.

Raleigh. Your words cannot condemn me; my innocency is my defence. Prove one of these things wherewith you have charged me, and I will confess the whole indictment, and that I am the horriblest traitor that ever lived, and worthy to be crucified with a thousand thousand torments.

Attorney. Nay, I will prove all: thou art a monster; thou hast an English face, but a Spanish heart. Oh sir! I am the more large, because I know with whom I deal; *for we have to deal to-day with a man of wit.*

Raleigh. If truth be constant, and constancy be in truth, why hath he forsworn that that he hath said? You have not proved any one thing against me by direct proofs, but all by circumstances.

Attorney. Have you done? The King must have the last.

Raleigh. Nay, Mr. Attorney, he which speaketh for his life must speak last. False repetitions and mistakings must not mar my cause. You should speak *secundum allegata et probata.* I appeal to God and the King in this point, whether Cobham's accusation be sufficient to condemn me.

Attorney. The King's safety and your clearing cannot agree. I protest before God, I never knew a clearer treason.

Raleigh. I never had intelligence with Cobham since I came to the Tower.

Attorney. Go to, I will lay thee upon thy back, for the confidentest traitor that ever came at a bar. Why should you take eight thousand crowns for a peace?

Lord Cecil. Be not so impatient, good Mr. Attorney; give him leave to speak.

Attorney. If I may not be patiently heard, you will encourage traitors, and discourage us. I am the King's sworn servant, and must speak: if he be guilty, he is a traitor: if not deliver him.

Note, here Mr. Attorney sat down in a chafe, and would speak no more, until the Commissioners urged and intreated him. After much ado he went on, and made a long repetition of all the evidence, for the direction of the jury: and at the repeating of some things, Sir Walter Raleigh interrupted him, and said he did him wrong.

Attorney. Thou art the most vile and execrable traitor that ever lived.

Raleigh. You speak indiscreetly, barbarously, and uncivilly.

Attorney. I want words sufficient to express thy viperous treasons.

When Bacon presented him with a copy of his Novum Organum he wrote with his own hand, at the top of the title page, *Edw. C. ex dono auctoris.*

Auctori Consilium.
Instaurare paras veterum documenta sophorum:
Instaura Leges Justitiamq; prius.

And over the device of the ship passing between Hercules's pillars, he wrote the two following verses:

"It deserveth not to be read in schools,
But to be freighted in the Ship of Fooles."(*a*)

From professional altercations with this contracted mind Bacon was rescued by his promotion.

Another and more important advantage attendant upon his appointment was the opportunity which it afforded him to assist in the encouragement of merit and in legal reform. *Detur digniori* was his constant maxim and constant practice. (*b*) He knew and taught that power to do good is the true and lawful end of aspiring; and, when appointed Solicitor, he acted in obedience to his doctrines, encouraging merit, and endeavouring to discharge the duty which he owed to his profession by exertions and works for the improvement of the law. (*c*)

Raleigh. I think you want words indeed, for you have spoken one thing half a dozen times.

Attorney. Thou art an odious fellow, thy name is hateful to all the realm of England for thy pride.

Raleigh. It will go near to prove a measuring cast between you and me, Mr. Attorney.

Attorney. Well, I will now make it appear to the world, that there never lived a viler viper upon the face of the earth than thou.—*State Trials.*

See note XXXX at the end.

(*a*) See note YYYY at the end.

(*b*) Sic postea, when he was Chancellor. See note 4 A at the end, Paley, vol. i. p. 94.

(*c*) See note CC at the end.

Cogitata et Visa, &c.

In the midst of arduous affairs of state and professional duties, he went right onward with his great work, conferring with various scholars and philosophers, from whose communications there was any probability of his deriving advantage.

In the progress of the Novum Organum he had, at different periods, even from his youth, arranged his thoughts upon detached parts of the work, and collected them under different titles: "Temporis partus maximus,"(*a*) "Filum Labyrinthi,"(*b*) "Cogitata et Visa, &c."(*c*)

He now sent to the Bishop of Ely the "Cogitata et Visa."(*d*) He communicated also on the subject with his friend, Mr. Mathew, who, having cautioned him that he might excite the prejudices of the churchmen, spoke freely, yet with approbation of the work.(*e*) He also sent the tract to Sir Thomas Bodley, who received it with all the attachment of a collegian to Aristotle and the schoolmen and university studies, and, with the freedom of a friend, respectfully imparted to Bacon that his plan was visionary.(*f*)

Wisdom of the Ancients.

In the year 1609, as a relaxation from abstruse speculations,(*g*) he published in Latin his interesting little work,

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(*a*) See vol. xi. p. 478.

(*b*) See vol. i. p. 311, and vol. x. p. 372.

(*c*) See vol. x. p. 462.

(*d*) See the letter, vol. xii. p. 93.

(*e*) See vol. xii. p. 90 to 94.

(*f*) See vol. xii. p. 83.

(*g*) "Le changement d'étude est toujours un delasement pour moi."

D'Aguesseau.

"What an heaven lives a scholar in, that at once in one close room can daily converse with all the glorious martyrs and fathers? that can single out at pleasure either sententious Tertullian, or grave Cyprian, or resolute Hierome, or flowing Chrysostome, or divine Ambrose, or devout Bernard, or (who alone is all these) heavenly Augustine, and talk with them, and hear their wise and holy counsels, verdicts, resolutions; yea (to rise higher), with courtly Esay, with learned Paul, with all their fellow-prophets,

"De Sapientia Veterum," of which he sent a copy to his friend, Mr. Mathew, saying, "My great work goeth forward, and after my manner I alter ever when I add."

This treatise is a species of parabolical poetry, explained in the Advancement of Learning, and expanded by an insertion in the treatise De Augmentis Scientiarum of three of the Fables.(*a*) "One use of parabolical poesy consists," he says, "in withdrawing from common sight those things the dignity whereof deserves to be retired, as the secrets and mysteries of religion, policy, and philosophy, which are therefore veiled and invested in fables and parables, and, next to sacred writ, are the most ancient of all writings; for adopted, not excogitated by the reciters, they seem to be like a thin rarefied air, which, from the traditions of more ancient nations, fell into the flutes of the Grecians."

This tract seems, in former times, to have been much valued, for the same reason, perhaps, which Bacon assigns for the currency of the Essays; "because they are like the late new halfpence, where the pieces are small, but the silver is good."

The fables, abounding with a union of deep thought and poetic beauty, are thirty-one in number,(*b*) of which a part of "The Syrens, or Pleasures," may be selected as a specimen.

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apostles; yet more, like another Moses, with God himself, in them both? Let the world contemn us; while we have these delights we cannot envy them; we cannot wish ourselves other than we are." See Bishop Hall's beautiful essay on the Pleasure of Study and Contemplation.

(*a*) See vol. viii. p. 124.

(*b*) Cassandra, or Divination.
Typhon, or a Rebel.
The Cyclops, or the Ministers of Terror.
Narcissus, or Self Love.
Styx, or Leagues.
Pan, or Nature.
Perseus, or War.
Endymion, or a Favourite.
The Sister of the Giants, or Fame.
Actæon and Pentheus, or a Curious Man.
Orpheus, or Philosophy.
Cœlum, or Beginnings.
Proteus, or Matter.
Memnon, or Youth too forward.

In this fable he explains the common but erroneous supposition, that knowledge and the conformity of the will, knowing and acting, are convertible terms.—Of this error he, in his essay of "Custom and Education," admonishes his readers, by saying, "Men's thoughts are much according to their inclination; their discourse and speeches according to their learning and infused opinions, but their deeds are after as they have been accustomed; Æsop's damsel, transformed from a cat to a woman, sat very demurely at the board-end till a mouse ran before her."—In the fable of the Syrens he exhibits the same truth, saying, "The habitation of the Syrens was in certain pleasant islands, from whence, as soon as out of their watch-tower they discovered any ships approaching, with their sweet tunes they would first entice and stay them, and, having them in their power, would destroy them; and, so great were the mischiefs they did, that these isles of the syrens, even as far off as man can ken them, appeared all over white with the bones of unburied carcasses: by which it is signified that albeit the examples of afflictions be manifest and eminent, yet they do not sufficiently deter us from the wicked enticements of pleasure." (*a*)

Tithonus, or Satiety.
Juno's Suitor, or Baseness.
Cupid, or an Atom.
Diomedes, or Zeal.
Dædalus, or Mechanic.
Ericthonius, or Imposture.
Deucalion, or Restitution.
Nemesis, or the Vicissitudes of Things.
Achelous, or Battle.
Dionysius, or Passions.
Atalanta, or Gain.
Prometheus, or the State of Man.
Scylla and Icarus, or the Middle Way.
Sphynx, or Science.
Proserpina, or Spirit.
Metis, or Counsel.
The Syrens, or Pleasures.

(*a*) See note CCC at the end, for the various editions of this work, and observations upon them. See vol. iii. p. 1, for the English, and vol. xi. p. 271, for the Latin.

CHAPTER II.

FROM THE PUBLICATION OF THE WISDOM OF THE ANCIENTS TO THE PUBLICATION OF THE NOVUM ORGANUM.

In consequence of the limitation, in the court of King's Bench, (*a*) of the jurisdiction of the Marshalsea court to the officers of the King's household, a new court of record was erected by letters patent, styled "Curia virgi palatii summi Regis," to extend the jurisdiction; and the judges nominated by the letters patent were Sir Francis Bacon the Solicitor General, and Sir James Vavasour, then Marshal of the Household. (*b*) In this office he delivered a learned and methodical charge to a jury upon a commission of oyer and terminer, in which he availed himself of an opportunity to protest against the abuse of capital punishment. (*c*) "For life," he says, "I must say unto you in general that it is grown too cheap in these times; it is set at the price of words, and every petty scorn and disgrace can have no other reparation; nay, so many men's lives are taken away with impunity, that the very life of the law, the execution, is almost taken away." Marshalsea.

When Solicitor he argued in the case of Sutton's Hospital, or the Charter House, (*d*) against the legality of the Charter House.

(*a*) Michelbonn's case, 6 Co. 20.

(*b*) A history of this court, its officers, &c. may be found in a tract published by Clarke and Co. Law-booksellers, Portugal Street, A.D. 1812. See also Buckley on Jurisdiction of Marshalsea, 1827.

(*c*) See vol. vi. p. 85.

(*d*) 10 Co. 1.

foundation, and, fortunately for the advancement of charity and of knowledge, he argued without success, as its validity was confirmed; and in 1611 this noble institution was opened, to the honour of its munificent founder, who preferred the consciousness of doing good to the empty honours which were offered to divert him from his course.(*a*) It seems, however, that Bacon's objections to the charity were not confined to his argument at the bar, but were the expression of his judgment, as he afterwards addressed a letter of advice to the King, pointing out many imaginary or real defects of the project,(*b*) in which he says, "I wish Mr. Sutton's intentions were exalted a degree; and that which he meant for teachers of children, your majesty should make for teachers of men; wherein it hath been my ancient opinion and observation,(*c*) that in the universities of this realm, which I take to be of the best endowed universities of Europe, there is nothing more wanting towards the flourishing state of learning than the honourable and plentiful salaries of readers in arts and professions; for, if you will have sciences flourish, you must observe David's military law, which was, 'that those which staid with the carriage should have equal part with those which were in the action.'"(*c*)

1612. Æt. 52. Death of the Prince, and Essays.

In the year 1612, he published a new edition of his essays, enlarged and enlivened by illustrations and imagery,(*d*) which, upon the sudden death of Prince Henry,(*e*)

(*a*) See note AAAA at the end.

(*b*) See vol. v. p. 374.

(*c*) Advancement of Learning, vol. ii. p. 94.

(*d*) See note 3 I at the end.

(*e*) Prince Henry died 6th Nov. 1612. See the intended dedication, in note 3 I at the end. See the character of Prince Henry, in Hume's history. See Wilson's history.

to whom it was intended to be dedicated, he inscribed to his brother. (*a*)

In this year he, as Solicitor General, appeared on behalf of the crown, upon the prosecution of the Lord Sanquhar, a Scottish nobleman, for murder; and his speech, which has been preserved, is a specimen of the mildness ever attendant upon knowledge. (*b*) After having clearly stated the case, he thus concludes: "I will conclude toward you, my lord, that though your offence hath been great, yet your confession hath been free, and your behaviour and speech full of discretion; and this shews, that though you could not resist the tempter, yet you bear a christian and generous mind, answerable to the noble family of which you are descended. (*c*)

(*a*) To my loving Brother, Sir John Constable, Knight.*

My last essays I dedicated to my dear brother, Master Anthony Bacon, who is with God. Looking amongst my papers this vacation, I found others of the same nature; which, if I myself shall not suffer to be lost, it seemeth the world will not, by the often printing of the former. Missing my brother, I found you next, in respect of bond both of near alliance and of straight friendship and society, and particularly of communication in studies, wherein I must acknowledge myself beholding to you; for as my business found rest in my contemplations, so my contemplations ever found rest in your loving conference and judgment. So wishing you all good, I remain

Your loving brother and friend, FRA. BACON.†

See the dedication to Goldsmith's Traveller.

(*b*) See note (*c*), next page.

(*c*) He was executed before Westminster Hall-gate. The reader, for his fuller information in this story of the Lord Sanquhar, is desired to peruse

* Brother to Lady Bacon. † See note 3 I at the end.

During the time he was Solicitor, he composed, as it seems, his "Confession of Faith." (*a*)

Attorney General.

Bacon as Solicitor naturally looked forward to the office of Attorney General, to which he succeeded on the 27th of October, upon the promotion of Sir Henry Hobart to the Chief Justiceship of the Common Pleas. (*b*) Never was man more qualified for the office of Attorney General than Bacon. With great general knowledge, ever tending to humanize (*c*) and generate a love of improvement; (*d*) with great insight into the principles of politics (*e*) and of universal justice, (*e*) and such worldly experience as to enable him to apply his knowledge to the times in which he lived. "Non in republicâ Platonis; sed tanquam in fæce Romuli;" with long unwearied professional exertion in the law of England, publications upon existing parts of the law, and efforts to improve it, he entered upon the duties of his office with the well founded hope in the profession, that he would be an honour to his name and his country,

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the case in the ninth book of the Lord Coke's reports; at the end of which the whole series of the murder and trial is exactly related. See also vol. vi. p. 167.

(*a*) See the preface to vol. vii. p. xix.

(*b*) There are extant two letters to Lord Salisbury (see vol. xii. p. 63), one to the Chancellor, vol. xii. p. 105, and one to the King, vol. xii. p. 106, respecting this appointment.

(*c*) Advancement of Learning, vol. ii. p. 80. "It is an assured truth which is contained in the verses:

'Scilicet ingenuas didicisse fideliter artes,
Emollit mores, nec sinit esse feros."

It taketh away the wildness and barbarism and fierceness of men's minds; but indeed the accent had need be upon 'fideliter:' for a little superficial learning doth rather work a contrary effect."

(*d*) Advancement of Learning, vol. ii. p. 82. "The unlearned man knows not what it is to descend into himself, or to call himself to account; nor the pleasure of that 'suavissima vita, indies sentire se fieri meliorem.'"

(*e*) See note C C at the end.

and without any fear that he would be injured by the dangerous authority with which he was entrusted. Although power has, upon ordinary minds, a tendency to shape and deprave the possessor, upon intelligence it tends more to humble than to elevate. When Cromwell, indignant that Sir Matthew Hale had dismissed a jury because he was convinced that it had been partially selected, said to this venerable magistrate, "You are not fit to be a judge," Sir Matthew answered, "It is very true." When Alexander received letters out of Greece of some fights and services there, which were commonly for a passage or a fort, or some walled town at the most, he said, "It seemed to him, that he was advertised of the battle of the frogs and the mice, that the old tales went of: so certainly, if a man meditate much upon the universal frame of nature, the earth with men upon it, the divineness of souls except, will not seem much other than an ant-hill, where as some ants carry corn, and some carry their young, and some go empty, and all to and fro a little heap of dust." (*a*)

With the duties of the office he was well acquainted. As a politician he never omitted an opportunity to ameliorate the condition of society, and exerted himself in all the usual House of Commons questions: thus dilating and contracting his sight and too readily giving up to party what was meant for mankind. As public prosecutor, he did not suffer the arm of justice to be weakened either by improper lenity or severity at variance with public feeling. (*b*)

(*a*) Advancement of Learning, vol. ii. p. 81.

(*b*) See his advice to Villiers, vol. vi. p. 419, in which he says, "A word more, if you please to give me leave, for the true rules of moderation of justice on the King's part. The execution of justice is committed to his judges, which seemeth to be the severer part; but the milder part, which

Knowing that the efficacy of criminal legislation co in duly poising the powers of law, religion, and m and being aware of the common erroneous suppos that, by an increase in the quantity of any agen beneficial effects are also increased,(*a*) he warned the munity that the acerbity of a law ever deadened the e tion, by associating compassion with guilt, and confou the gradation of crime, and that the sentiment of justi the public mind is as much or more injured by a law w outrages public feeling, as by a law which falls sho disappoints the just indignation of the community.

But, not confining his professional exertions to the charge of the common duties of a public prosecutor availed himself of his situation to advance justice humanity, and composed a work for compiling amending the laws of England, which he dedicate the King. (*a*) "Your majesty," he says, "of your fa having made me privy councillor, and continuing m the place of your Attorney General, I take it to be duty not only to speed your commandments and the b ness of my place, but to meditate and to excogitate myself, wherein I may best, by my travails, derive y virtues to the good of your people, and return their tha

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is mercy, is wholly left in the King's immediate hand: and justice mercy are the true supporters of his royal throne.

"If the King shall be wholly intent upon justice, it may appear with over-rigid aspect; but if he shall be over-remiss and easy, it draweth u him contempt. Examples of justice must be made sometimes for terro some; examples of mercy sometimes, for comfort to others; the one p cures fear, and the other love. A king must be both feared and lov else he is lost."

(*a*) Debent igitur homines ludibrium illud mulieris Æsopi cogita quae sperârat ex duplicatâ mensurâ hordei gallinam suam duo ova quotic parituram. At illa impinguata nullum peperit.—De Augmentis, LV. v. p. 267.

and increase of love to you again. And after I had thought of many things, I could find, in my judgment, none more proper for your majesty as a master, nor for me as a workman, than the reducing and recompiling the laws of England." (*a*)

In this tract, having traced the exertions of different legislators from Moses to Augustus, he says, "Cæsar si ab eo quæreretur quid egisset in togâ, leges se respondisset multas et præclarus tulisse;" and his nephew Augustus did tread the same steps but with deeper print, because of his long reign in peace, whereof one of the poets of his time saith,

> "Pace data terris animum ad civilia vertit
> Jura suum, legesque tulit justissimus auctor." (*b*)

From July, 1610, until this period, there had not been any parliament sitting; and the King, unable to procure the usual supplies, had recourse, by the advice of Lord Salisbury, to modes injurious to himself, and not warranted by the constitution. Bacon, foreseeing the evils which must result from these expedients, implored the King to discontinue them, and to summon a parliament. (*c*) 1614. Æt. 54.

(*a*) See note C C at the end.

(*b*) So, too, Sir Samuel Romilly, who was animated by a spirit public as nature, was no sooner promoted to the office of Solicitor General, than he submitted to parliament his proposals for the improvement of the bankrupt law and the criminal law. "Long," he says, "has England been a scene of carnage and desolation; a brighter prospect has now opened before us.

> ——'Peace hath her victories
> Not less renowned than war."*
>
> * Multis ille flebilis occidit
> Nulli flebilior mihi.

(*c*) * * * I will make two prayers unto your majesty. The one is, that these cogitations of want do not any ways

A parliament was accordingly summoned, and met in April, 1614, when the question, whether the Attorney General was eligible to sit in the house was immediately agitated; and, after debate and search of precedents, it was resolved, that, by reason of his office, he ought not

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trouble or vex your mind. I remember Moses saith of the land of promise, that it was not like the land of Egypt that was watered with a river, but was watered with showers from heaven; whereby I gather, God preferreth sometimes uncertainties before certainties, because they teach a more immediate dependance upon his providence. Sure I am, *nil novi accidit vobis.* It is no new thing for the greatest kings to be in debt; and, if a man shall *parvis componere magna,* I have seen an Earl of Leicester, a Chancellor Hatton, an Earl of Essex, and an Earl of Salisbury in debt; and yet was it no manner of diminution to their power or greatness.

My second prayer is, that your majesty, in respect of the hasty freeing of your estate, would not descend to any means, or degree of means, which carrieth not a symmetry with your majesty and greatness. He is gone from whom those courses did wholly flow. So have your wants and necessities in particular, as it were, hanged up in two tablets before the eyes of your Lords and Commons, to be talked of for four months together; to have all your courses to help yourself in revenue or profit put into printed books, which were wont to be held *arcana imperii;* to have such worms of aldermen to lend for ten in the hundred upon good assurance, and with such * *, as if it should save the bark of your fortune; to contract still where might be had the readiest payment, and not the best bargain; to stir a number of projects for your profit, and then to blast them, and leave your majesty nothing but the scandal of them; to pretend an even carriage between your majesty's rights and the ease of the people, and to satisfy neither. These

to sit in the House of Commons, as he was an attendant on the Lords; but it was resolved that the present Attorney General shall for this parliament remain in the house, although this privilege shall not extend to any future attorney general.

Upon his entrance on the discharge of his legal duties, an opportunity to eradicate error accidentally presented itself. Amongst the criminal informations filed in the Star Chamber by his predecessor, he found a charge against two obscure persons for the crime of duelling. Of this opportunity he instantly availed himself, to expose the nature of these false imaginations of honour, by which, in defiance of virtue, disregard of the law, and contempt of religion, vice and ignorance raise themselves in the world upon the reputation of courage; and high-minded youth, full of towardness and hope, such as the poets call "auroræ filii," sons of the morning, are deluded by this fond disguise and puppetry of honour. (*a*)

Duelling. 11 Jac. 1614. Æt. 54.

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courses, and others the like, I hope, are gone with the deviser of them, which have turned your majesty to inestimable prejudice.

I hope your majesty will pardon my liberty of writing. I know these things are *majora quam pro fortunâ:* but they are *minor a quam pro studio et voluntate.* I assure myself your majesty taketh not me for one of a busy nature; for my state being free from all difficulties, and I having such a large field for contemplations, as I have partly, and shall much more make manifest to your majesty and the world, to occupy my thoughts, nothing could make me active but love and affection. So praying my God to bless and favour your person and estate, &c.

(*a*) In the tract, which may be found in vol. vi. p. 108, he considers, 1st, the mischiefs of duelling; 2ndly, the causes; 3rdly, the origin, &c. and various other topics,

Under-takers.

The King's great object in summoning a parliament was the hope to obtain supplies; a hope which was totally defeated by a rumour that several persons, attached to

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In considering the *mischiefs*, he says, "It is a miserable effect, when young men full of towardness and hope, such as the poets call 'auroræ filii,' sons of the morning, in whom the expectation and comfort of their friends consisteth, shall be cast away and destroyed in such a vain manner."

In considering the *causes*, he says, "The first motive, no doubt, is a false and erroneous imagination of honour; by which the spirits of young men, that bear great minds are deluded and carried away by a stream of vulgar opinion, to which men of value feel a necessity to conform.

He then shews that this invention of modern times originated in France, and was unknown to the ancients in Greece and Rome the most valiant and generous nations of the world; and when, amongst the Turks, there was a combat of this kind performed by two persons of quality, wherein one of them was slain; the other party was convened before the Bashaw, by whom the reprehension was in these words: "How durst you undertake to fight one with the other? Are there not Christians enough to kill?"

He then says, "For this apprehension of a disgrace, that a fillip to the person should be a mortal wound to the reputation, it were good that men did hearken unto the saying of Gonsalvo, the great and famous commander, that was wont to say a gentleman's honour should be "de telà crassiore," of a good strong warp or web, that every little thing should not catch in it; when, as now, it sems they are but of cobweb lawn or such light stuff, which certainly is weakness, and not true greatness of mind, but like a sick man's body that is so tender that it feels every thing."

the King, had entered into a confederacy, and had undertaken to secure a majority to enable him to control the house. To pacify the heat, Bacon made a powerful speech, (*a*) in which he ridicules the supposition that any man can have embarked in such a wild undertaking as to control the Commons of England: to make a policy of insurance as to what ship shall come safe home into the

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He concludes by calling upon the lords, "for justice' and true honour's sake, honour of religion, law, and the King, to co-operate with him against this fond and false disguise or puppetry of honour."

(*a*) The speech itself may be found in vol. vi. p. 13. The following is a short outline of it: "Mr. Speaker," he says, "I have been hitherto silent in this matter of Undertaking, wherein, as I perceive, the house is much enwrapped.

"First, because to be plain with you, I did not well understand what it meant, or what it was; and I do not love to offer at that I do not thoroughly conceive. That private men should undertake for the Commons of England: why? a man might as well undertake for the four elements: it is a thing, so giddy, and so vast: it is so wild for any man to think that he can make a policy of insurance as to what ship shall come safe home into the harbour in these troubled seas," &c. as in the text.

"The second reason that made me silent was, because this suspicion and rumour of undertaking settles upon no person certain. It is like the birds of paradise," &c. as in the text.

"And lastly, since I perceive that this cloud still hangs over the house, and that it may do hurt, as well in fame abroad as in the King's ear, I resolved with myself to do the part of an honest voice in this house, to counsel you what I think to be for the best."

harbour in these troubled seas; to find a new passage for the King's business, by a new and unknown point of the compass: to build forts to intimidate the house, unmindful that the only forts by which the King of England can command, is the fort of affection moving the hearts, and of reason the understandings of his people. He then implores the house not to listen to these idle rumours, existing only in the imagination of some deluded enthusiast, who like the fly upon the chariot wheel, says, What a dust do I raise! and, being without foundation or any avowed author, are like the birds of paradise, without feet, and never lighting upon any place, but carried away by the wind whither it listeth. Let us then," he adds, "instead of yielding to these senseless reports, deliberate upon the perilous situation in which the government is placed: and, remembering the parable of Jotham, in the case of the trees of the forest, that when question was, whether the vine should reign over them? that might not be;—and whether the olive should reign over them? that might not be, let us consider whether we have not accepted the bramble to reign over us. For it seems that the good vine of the King's graces, that is not so much in esteem: and the good oil, whereby we should relieve the wants of the estate and crown, is laid aside; and this bramble of contention and emulation, this must reign and rule amongst us."

Having examined and exposed all the arguments, he concludes by saying: "Thus I have told you mine opinion. I know it had been more safe and politic to have been silent; but it is more honest and loving to speak. When a man speaketh, he may be wounded by others; but if he holds his peace from good things, he wounds himself."

The exertions of Bacon and of the King's friends being, however, of no avail, the King, seeing no hope of assist-

ance, in anger dissolved the parliament, and committed several of the members who had spoken freely of his measures.

This violence, instead of allaying, increased the ferment in the nation; and, unable to obtain a supply from parliament, and being extremely distressed for money, several of the nobility and clergy in and about London, made presents to the King; and letters were written to the sheriffs and justices in the different counties, and to magistrates of several corporations, informing them what had been done in the metropolis, and how acceptable and seasonable similar bounty would be from the country. June, 1614. Æt. 54.

Amongst others, a letter was sent to the Mayor of Marlborough in Wiltshire, where Mr. Oliver St. John, a gentleman of an ancient family, was then residing, who wrote to the mayor on the 11th of October, 1614, representing to him that this benevolence was against law, reason, and religion,(*a*) and insinuating that the King, by

(*a*) Wilson says, "These fair blossoms not producing the hoped-for fruit, they find out new projects to manure the people; different much in name and nature; a benevolence extorted; a free gift against their wills was urged upon them, and they that did not give in their money must give in their names, which carried a kind of fright with it. But the most knowing men (like so many pillars to the kingdom's liberties) supported their neighbour's tottering resolutions, with assuring them that these kind of benevolences were against law, reason, and religion.

"First, against law, being prohibited by divers acts of parliament; and a curse pronounced against the infringers of them.

"Secondly, against reason, that a particular man should oppose his judgment and discretion to the wisdom and judgment of the King assembled in parliament, who have there denied any such aid.

"Thirdly, against religion, that a king violating his oath (taken at his coronation for maintaining the laws, liberties, and customs of the realm) should be assisted by the people in an act of so much injustice and impiety. These and many other arguments, instilled into the people by some good patriots, were great impediments to the benevolence; so that

promoting it, had violated his coronation oath, and that, by such means as these, King Richard the Second had given an opportunity to Henry the Fourth to deprive him of his crown; desiring, if he thought fit, that his sentiments should be communicated to the justices who were to meet respecting the benevolence.

For this letter, Mr. St. John was tried in the Star Chamber on the 15th of April, 1615; when, the Attorney General appearing, of course, as counsel for the crown, the defendant was fined £5000., imprisoned during the King's pleasure, and ordered to make submission in writing.

So deeply were the judges impressed with the enormity of this offence, that some of the court thought the crime of a higher nature than a contempt, but they all agreed that the benevolence was not restrained by any statute; and the Lord Chancellor, who was then, as he supposed, on his death-bed, more than once expressed his anxiety that his passing sentence upon Mr. St. John might be his last act of judicial duty. (*a*)

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they got but little money, and lost a great deal of love: for no levies do so much decline and abase the love and spirits of the people as unjust levies. Subsidies get more of their money, but exactions enslave the mind; for they either raise them above, or depress them beneath their sufferings, which are equally mischievous, and to be avoided."

(*a*) A letter reporting the state of my Lord Chancellor's health, Jan. 29, 1614.

It may please your excellent Majesty,—Because I know your majesty would be glad to hear how it is with my Lord Chancellor; and that it pleased him out of his ancient and great love to me, which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which during these three days he hath scarcely done to any; I thought it might be pleasing to your majesty to certify you how I found him. I found him in bed, but his spirits fresh and good, speaking stoutly, and without being spent or weary, and both willing and beginning of himself to speak, but wholly of your majesty's business. Wherein I cannot

Such was the state of the law and of the opinion of justice which at that time prevailed! (*a*)

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forget to relate this particular, that he wished that his sentencing of I. S. at the day appointed might be his last work, to conclude his services, and express his affection towards your majesty. I told him I knew your majesty would be very desirous of his presence that day, so it might be without prejudice, but otherwise your majesty esteemed a servant more than a service, especially such a servant. Not to trouble your majesty, though good spirits in sickness be uncertain calendars, yet I have very good comfort of him, and I hope by that day, &c.

See to the same effect, a letter of Feb. 7, 1614, entitled, A letter to the King, touching my Lord Chancellor's amendment, and the putting off I. S. his cause.

(*a*) Bacon's speech has fortunately been preserved.*— "In the last parliament there was," he says, "a great and reasonable expectation in the community that the people would grant to the King such supplies as were necessary for the maintenance of the government: and there was in the house a general disposition to give, and to give largely. The clocks in the house, perchance, might differ; some went too fast, some went too slow: but the disposition to give was general. It was, however, by an accident defeated; and this accident, happening thus contrary to expectation, it stirred up and awaked, in divers of his majesty's worthy servants and subjects, of the clergy, the nobility, the court, and others here near at hand, an affection loving and cheerful, to present the King some with plate, some with money, as a freewill offering. As the occasion did awake the love and benevolence of those that were at hand to give, so it was apprehended and thought fit, by my lords of the council, to make a proof whether the occasion and example both would not awake those in

* See vol. vi. p. 138. It is entitled, The Charge given by Sir Francis Bacon, his Majesty's Attorney General, against Mr. I. S. for scandalizing and traducing, in the public sessions, letters sent from the Lords of the Council touching the benevolence.

The dissatisfaction which existed in the community, at the state of the government, now manifested itself in various modes, and was, according to the usual efforts of

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the country, of the better sort to follow. Whereupon, their lordships devised and directed letters unto the sheriffs and justices, which declared what was done here above, and wished that the country might be moved, especially men of value. Care was however taken, that that which was then done might not have the effect, no nor the shew, no nor so much as the shadow of a tax: breeding or bringing in, any ill precedent or example. It was not so much as recommended, until many that were never moved nor dealt with, *ex mero motu*, had freely and frankly sent in their presents. The whole carriage of the business had no circumstance compulsory. There was no proportion or rate set down, not so much as by way of a wish: there was no menace of any that should deny; no reproof of any that did deny, no certifying of the names of any that had denied. It was a benevolence, not an exaction; it was what the subject of his good will would give, not what the King of his good will would take.

Amongst other countries, these letters of the lords came to the justices of Devonshire, who signified the contents thereof, and gave directions and appointments for meetings, concerning the business, to several towns and places within that county, and amongst the rest, notice was given unto the town of A. The mayor of A. conceiving that this Mr. I. S. (being a principal person, and a dweller in that town) was a man likely to give both money and good example, dealt with him, to know his mind; but he, instead of sending an answer, absented himself, and published a seditious accusation against the King and the state, and sent it to the mayor to read at the meeting."

He then divides the libel into four parts, saying, "The

power, attempted to be repressed by criminal prosecutions. Amongst others, the Attorney General was employed in the prosecution for high treason of a Mr. Peacham,

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first of these, which concerns the King, I have taken to myself, the other three I have distributed to my fellows; and the part which I have selected gives me a just and necessary occasion to make some representation of his majesty, such as truly he is found to be in his government.

" My lords, I do not mean to make any panegyric or laudative, but it is fit to burn incense where evil odours have been cast and raised. The libel says King James is a violator of the liberties, laws, and customs of his kingdoms. I say he is a constant protector and conservator of them all: in maintaining religion; in maintaining the laws of the kingdom, which is the subject's birthright; in temperate use of the prerogative; in due and free administration of justice, and conservation of the peace of the land.

" For religion, he hath maintained it not only with sceptre and sword, but by his pen. He hath awaked and reauthorized the whole party of the reformed religion throughout Europe, which through the insolency, and diverse artifices and enchantments of the adverse part, was dejected. He hath summoned the fraternity of kings to enfranchise themselves from the usurpation of the see of Rome. He hath made himself a mark of contradiction for it.

" I cannot remember religion and the church, but I must think of the seedplots of the same, which are the universities, to which he hath been a benign or benevolent planet, by whose influence those nurseries and gardens of learning were never more in flower nor fruit.

" For the maintaining of the laws, which is the hedge and fence about the liberty of the subject, I may truly affirm it was never in better repair. He doth concur with the votes of the nobles, *Nolumus leges Angliæ mutare.* He is an enemy of innovation; neither doth the univer-

a clergyman between sixty and seventy years of age; of Mr. Owen, of Godstow in Oxfordshire, a gentleman of property and respectability; and of William Talbot, an Irish barrister, for maintaining, in different modes, that, if

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sality of his own knowledge carry him to neglect or pass over the very forms of the laws of the land.

"As for the use of the prerogative, it runs within the ancient channels and banks; some things that were conceived to be in some proclamations, commissions, and patents as overflows, have been by his wisdom and care reduced, whereby, no doubt, the main channel of his prerogative is so much the stronger; for evermore overflows do hurt the channel.

"As for administration of justice, my lords here of the council and the King himself meddle not (as hath been used in former times) with matters of *meum* and *tuum*, but leave them to the King's courts of law or equity; and for mercy and grace (without which there is no standing before justice), we see the King now hath reigned twelve years in his white robe, without almost any aspersion of the crimson die of blood. There sits my Lord Hobart, that served Attorney seven years: I served with him. We were so happy, as there passed not through our hands any one arraignment for treason, and but one for any capital offence, which was that of the Lord Sanquhar; the noblest piece of justice (one of them) that ever came forth in any king's times. As for penal laws, which lie as snares upon the subjects, it yields a revenue that will scarce pay for the parchment of the King's records at Westminster.

"And lastly, for peace; we see manifestly, his majesty bears some resemblance of that great name, a prince of peace; he hath preserved his subjects, during his reign, in peace both within and without, Touching the benevolence, I leave it to others."

the King were excommunicated and deprived by the Pope, it was lawful for any person to kill him.

The prosecution against Peacham was for several treasonable passages in a sermon, found in his study, but never preached, and never intended to be preached. (*a*)

Doubts being entertained both of the fact with respect to the intention to preach, and of the law supposing the intention to have existed, recourse was had to expedients from which, in these enlightened times, we recoil with horror.

To discover the fact, this old clergyman was put upon the rack, and was examined "before torture, in torture, between torture, and after torture," but no confession was extorted, which was instantly communicated by Bacon to the King. (*b*)

(*a*) Cro. Cas. 125.

(*b*) A Letter to his Majesty, concerning Peacham's cause.

It may please your excellent Majesty,—It grieveth me exceedingly, that your majesty should be so much troubled with this matter of Peacham's; whose raging devil seemeth to be turned into a dumb devil. But although we are driven to make our way through questions (which I wish were otherwise) yet I hope well the end will be good. But then every man must put to his helping hand; for else I must say to your majesty, in this and the like cases, as St. Paul said to the centurion, when some of the mariners had an eye to the cock-boat, "except these stay in the ship, ye cannot be safe." I find in my lords great and worthy care of the business. And for my part, I hold my opinion and am strengthened in it by some records that I have found. God preserve your majesty. Your majesty's most humble and devoted subject and servant.

21st January, 1614.

To be certain of the law, the King resolved to obtain the opinions of the judges before the prosecution was commenced. For this purpose, the Attorney General was employed to confer with Sir Edward Coke, Mr. Serjeant Montague to speak with Justice Crooke, Mr. Serjeant

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To the King.

May it please your most excellent Majesty,—I send your majesty enclosed a copy of our last examination of Peacham,* taken the 10th of this present; whereby your majesty may perceive that this miscreant wretch goeth back from all, and denieth his hand and all; no doubt being fully of belief that he should go presently down to his trial, he meant now to repeat his part which he purposed to play in the country, which was to deny all. But your majesty in your wisdom perceiveth that this denial of his hand, being not possible to be counterfeited, and to be sworn by Adams, and so oft by himself formerly confessed and admitted, could not mend his case before any jury in the world, but rather aggravateth it by his notorious impudency and falsehood, and will make him more odious. He never deceived me; for when others had hopes of discovery, and thought time well spent that way, I told your majesty, *pereuntibus mille figuræ;* and that he now did but turn himself into divers shapes, to save or delay his punishment. And therefore, submitting myself to your majesty's high wisdom, I think myself bound in conscience to put your majesty in remembrance, whether Sir John Sydenham* shall be detained upon this man's impeaching, in whom there is no truth. Notwithstanding that farther inquiry be made of this other Peacham, and that

* He had been confronted, about the end of February or beginning of March, 1614-15, with Mr. Peacham, about certain speeches which had formerly passed between them.—MS. letter of Mr. Chamberlain to Sir Dudley Carleton, from London, March 2, 1614-15.

Crew with Justice Houghton, and Mr. Solicitor with Justice Dodderidge, who were instructed by Bacon that they should presently speak with the three judges, before he could see Coke; and that they should not in any case make any doubt to the judges, as if they mistrusted they would not deliver any opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the papers. The three judges very readily gave their opinions; but with Sir Edward Coke the task was not so easy: for his high and independent spirit refused to submit to these private conferences, contrary, as he said, to the custom of the realm, which requires the judges not to give opinion by fractions, but entirely and upon conference; and that this auricular taking of opinions, single and apart, was new and dangerous. (*a*)

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information and light be taken from Mr. Poulet* and his servant, I hold it, as things are, necessary. God preserve your majesty. Your Majesty's most humble and devoted subject and servant, FR. BACON.

March 12, 1614.

(*a*) Sir Matthew Hale would never suffer his opinion in any case to be known till he was obliged to declare it judicially; and he concealed his opinion in great cases so carefully, that the rest of the judges in the same court could never perceive it: his reason was, because every judge ought to give sentence according to his own persuasion and conscience, and not to be swayed by any respect or deference to another man's opinion; and by his means it hath happened sometimes, that when all the barons of the Exchequer had delivered their opinions, and agreed in their reasons and arguments, yet he coming to speak last, and differing in judgment from them, hath expressed himself with so much weight and solidity, that the barons have immediately retracted their votes and concurred with him.

* John Poulet, Esq. knight of the shire for the county of Somerset, in the parliament which met April 5, 1614. He was created Lord Poulet of Henton St. George, June 23, 1627.

The answer to this resistance, Bacon thus relates in a letter to the King: "I replied in civil and plain terms, that I wished his lordship, in my love to him, to think better of it; for that this, that his lordship was pleased to put into great words, seemed to me and my fellows, when we spake of it amongst ourselves, a reasonable and familiar matter, for a king to consult with his judges, either assembled or selected, or one by one. I added, that judges sometimes might make a suit to be spared for their opinion till they had spoken with their brethren; but if the King upon his own princely judgment, for reason of estate, should think it fit to have it otherwise, and should so demand it, there was no declining; nay, that it touched upon a violation of their oath, which was to counsel the King without distinction, whether it were jointly or severally. Thereupon I put him the case of the privy council, as if your majesty should be pleased to command any of them to deliver their opinion apart and in private; whether it were a good answer to deny it, otherwise than if it were propounded at the table. To this he said, that the cases were not alike, because this concerned life. To which I replied, that questions of estate might concern thousands of lives; and many things more precious than the life of a particular; as war and peace, and the like." (*a*)

By this reasoning Coke's scruples were, after a struggle, removed, and he concurred with his brethren in obedience to the commands of the King. (*b*)

From the progress which knowledge has made, during the last two centuries, in the science of justice and its administration, mitigating severity, abolishing injurious restraints upon commerce, and upon civil and religious

(*a*) Vol. xii. p. 128. (*b*) See note ZZ at the end.

liberty, and preserving the judicial mind free, almost, from the possibility of influence, we may, without caution, feel disposed to censure the profession of the law at that day for practices so different from our own. Passing out of darkness into light, we may for a moment be dazzled, and forget the ignorance from which we have emerged; an evil attendant upon the progress of learning, which did not escape the observation of Bacon, by whom we are admonished, that "if knowledge, as it advances, is taken without its true corrective, it ever hath some nature of venom or malignity, and some effects of that venom, which is ventosity or swelling. This corrective spice, the mixture whereof maketh knowledge so sovereign, is charity; of which the apostle saith, 'If I spake with the tongues of men and angels, and had not charity, it were but as a tinkling cymbal.'"(a)

For having thus acted in obedience to the King's commands, by a compliance with error sanctioned by the practice of the profession, Bacon has, without due consideration been censured by a most upright, intelligent judge of modern times, who has thus indirectly accused the bar as venal, and the bench as perjured.(b)

To this excellent man posterity has been more just: we do not brand Judge Foster with the imputation of cruelty, for having passed the barbarous and disgraceful sentence upon persons convicted of high treason, which was not abolished till the reign of George the Fourth; nor do we censure the judges in and before the time of Elizabeth for not having resisted the infliction of torture, sanctioned by the law, which was founded upon the erroneous principle that men will speak truth, when under the influence of a

(a) Advancement of Learning, vol. ii. p. 101.

(b) See note Z Z at the end.

passion more powerful than the love of truth;(a) nor sh
we be censured, in future times, for refusing, in excess
obedience to this principle, to admit the evidence of t
richest peer of the realm, if he have the interest of s
pence in the cause; nor has Sir Matthew Hale been visit
with the sin of having condemned and suffered to
executed, a mother and her daughter of eleven yea
of age, for witchcraft, under the quaint advice of S
Thomas Brown, one of the first physicians and philosophe
of his, or, indeed, of any time, who was devoting his li
to the confutation of what he deemed vulgar errors! (

(a) Beccaria. "The result of torture, then, is a matter of calculatio
and depends on the constitution, which differs in every individual, and
in proportion to his strength and sensibility; so that to discover truth
this method is a problem, which may be better solved by a mathematici
than a judge, and may be thus stated. The force of the muscles, and th
sensibility of the nerves of an innocent person being given, it is required
find the degree of pain necessary to make him confess himself guilty of
given crime."

(b) Amy Duny and Rose Callender were tried and condemned at Bur
St. Edmunds, in Suffolk, by the Lord Chief Baron Hale; an account o
the trial was printed in his lordship's lifetime. They were tried upon thir
teen several indictments: Amy Duny was charged with bewitching Mr
Pacey's children, and causing them to have fits, and when Sir Thomas
Brown, the famous physician of his time, who was in court, was desired by
my Lord Chief Baron to give his judgment in the case, he declared, "that
he was clearly of opinion that the fits were natural, but heightened by the
devil, co-operating with the malice of the witches at whose instance he did
the villanies;" and he added, "that in Denmark there had been lately a
great discovery of witches who used the very same way of afflicting persons,
by conveying pins into them." This made that great and good man doubt-
ful, but he was in such fears that he would not so much as sum up the
evidence, but left it to the jury with prayers, "that the great God of
Heaven would direct their hearts in that weighty matter." The jury,
having Sir Thomas Brown's declaration about Denmark for their encou-
ragement, in half an hour brought them in guilty upon all the thirteen
indictments. After this my Lord Chief Baron gave the law its course, and
they were condemned, and died declaring their innocence.

nor will the judges of England hereafter be considered culpable for having at one session condemned and left for execution six young men and women under the age of twenty, for uttering forged one-pound notes;(*a*) or for having, so late as the year 1820, publicly sold for large sums the places of the officers of their courts.

To persecute the lover of truth for opposing established customs, and to censure him in after ages for not having been more strenuous in opposition, are errors which will never cease until the pleasure of self-elevation from the depression of superiority is no more. "These things must continue as they have been: so too will that also continue, whereupon learning hath ever relied, and which faileth not: justificata est sapientia a filiis suis."(*b*)

Bacon, unmoved by the prejudice, by which during his life he was resisted, or the scurrilous libels by which he was assailed, went right onward in the advancement of knowledge, the only effectual mode of decomposing error Where he saw that truth was likely to be received, he presented her in all her divine loveliness. When he could not directly attack error, when the light was too strong for weak eyes, he never omitted an opportunity to expose it. Truth is often silent as fearing her judge, never as suspecting her cause.

In his letter to the King, stating that Peacham had been put to the torture, he says, "though we are driven to make our way through questions, which I wish were otherwise, (*c*) yet I hope the end will be good:" and, unable at

(*a*) See the public newspaper of December 4, 1820.

(*b*) See Advancement of Learning, vol. ii. p. 88.

(c) See note (*b*), ante, p. 169. In his apology respecting Essex, he says, "For her majesty being mightily incensed with that book, which was dedicated to my Lord of Essex, being a story of the first year of King Henry IV. thinking it a seditious prelude to put into the people's

that period to counteract the then common custom of importuning the judges, he warned Villiers of the evil. "By no means," he says, "be you persuaded to interpose yourself, either by word or letter, in any cause depending, or like to be depending in any court of justice, nor suffer any other great man to do it where you can hinder it, and by all means dissuade the King himself from it, upon the importunity of any for themselves or their friends: if it should prevail, it perverts justice; but if the judge be so just, and of such courage, as he ought to be, as not to be inclined thereby, yet it always leaves a taint of suspicion behind it; judges must be as chaste as Cæsar's wife, neither to be, nor to be suspected to be unjust; and, Sir, the honour of the judges in their judicature is the King's honour, whose person they represent." (*a*)

The trial of Peacham took place at Taunton on the 7th of August, 1615, before the Chief Baron and Sir Henry Montagu. Bacon did not attend, but the prosecution was conducted by the King's Serjeant and Solicitor, when the old clergyman, who defended himself, "very simply, al-

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head boldness and faction, said, she had an opinion that there was treason in it, and asked me if I could not find any places in it that might be drawn within case of treason: whereto I answered, for treason surely I found none, but for felony very many. And when her majesty hastily asked me, wherein? I told her, the author had committed very apparent theft: for he had taken most of the sentences of Cornelius Tacitus, and translated them into English, and put them into his text; and another time, when the Queen would not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author; and said with great indignation, that she would have him racked to produce his author: I replied, "Nay, madam, he is a doctor; never rack his person, but rack his style; let him have pen, ink, and paper, and help of books, and be enjoined to continue the story where it breaketh off, and I will undertake by collating the styles to judge whether he were the author or no."

(*a*) See Advice to Villiers, vol. vi. p. 400.

though obstinately and doggedly enough," was convicted, but, some of the judges doubting whether it was treason, he was not executed. (*b*)

(*b*) Edmund Peacham, a minister in Somersetshire [MS. letter of Mr. Chamberlain, dated January 5, 1614-5]. I find one of both his names, who was instituted into the vicarage of Ridge, in Hertfordshire, July 22, 1581, and resigned it in 1587 [Newcourt Reporter, vol. i. p. 864]. Mr. Peacham was committed to the Tower for inserting several treasonable passages in a sermon never preached, nor, as Mr. Justice Croke remarks in his Reports during the reign of King Charles I. p. 125, ever intended to be preached. Mr. Chamberlain, in a letter of the 9th of February, 1614-5, to Sir Dudley Carleton, mentions Mr. Peacham's having been "stretched already, though he be an old man, and, they say, much above threescore; but they could wring nothing out of him more than they had at first in his papers. Yet the king is extremely incensed against him, and will have him prosecuted to the uttermost." In another letter, dated February 23, we are informed that the king, since his coming to London on the 15th, had had "the opinion of the judges severally in Peacham's case; and it is said, that most of them concur to find it treason; yet my lord chief justice [Coke] is for the contrary; and if the Lord Hobart, that rides the western circuit, can be drawn to jump with his colleague, the chief baron [Tanfield], it is thought he shall be sent down to be tried, and trussed up in Somersetshire." In a letter of the 2nd of March, 1614-5, Mr. Chamberlain writes, "Peacham's trial at the western assizes is put off, and his journey stayed, though Sir Randall Crew, the king's serjeant, and Sir Henry Yelverton, the solicitor, were ready to go to horse to have waited on him there." "Peacham, the minister," adds he, in a letter of the 13th of July, 1615, "that hath been this twelvemonth in the Tower, is sent down to be tried for treason in Somersetshire, before the lord chief baron and Sir Henry Montagu, the recorder. The Lord Hobart gave over that circuit the last assizes. Sir Randall Crew and Sir Henry Yelverton, the king's serjeant and solicitor, are sent down to prosecute the trial." The event of this trial, which was on the 7th of August, appears from Mr. Chamberlain's letter of the 14th of that month, wherein it is said that "seven knights were taken from the bench, and appointed to be of the jury. He defended himself very simply, but obstinately and doggedly enough. But his offence was so foul and scandalous, that he was condemned of high treason; yet not hitherto executed, nor perhaps shall be, if he have the grace to submit himself, and shew some remorse. He died, as appears from another letter of the 27th of March, 1616, in the jail at Taunton, where he was said to have "left behind a most wicked and desperate writing, worse than that he was convicted for."

The same course of private consultation with the judges would have been adopted in the case of Owen, had not the Attorney General been so clear in his opinion of the treason, as to induce him to think it inexpedient to imply that any doubt could be entertained. (*a*)

His speeches against Owen (*b*) and Talbot, (*c*) which are preserved, are in the usual style of speeches of this nature, with some of the scurrility by which the eloquence of the bar was at that time polluted.

When speaking of the King's clemency, he says, "The King has had too many causes of irritation: he has been irritated by the Powder treason, when, in the chair of majesty, his vine and olive branches about him, attended by his nobles and third estate in parliament, he was, in the twinkling of an eye, as if it had been a particular doomsday, to have been brought to ashes, and dispersed to the four winds.—He hath been irritated by wicked and monstrous libels, and by the violence of demagogues, who have at all times infested, and in times of disturbance, when the scum is uppermost, ever will infest society; confident and daring persons, *Nihil tam verens, quam ne dubitare aliquâ de re, videretur*, priding themselves in pulling

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(*a*) A letter to the King of account of Owen's cause, &c. 11th Feb. 1614.

It may please your excellent Majesty,—Myself, with the rest of your counsel learned, conferred with my Lord Cooke and the rest of the judges of the King's Bench only, being met at my lord's chamber, concerning the business of Owen. For although it be true that your majesty in your letter did mention, that the same course might be held in the taking of opinions apart, in this which was prescribed and used in Peacham's cause; yet both my lords of the council and we, amongst ourselves, holding it in a case so clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the judges (if cause were) more strongly (which is somewhat) we thought best rather to use this form.

(*b*) Vol. vi. p. 172. (*c*) Vol. vi. p. 452.

down magistrates, and chaunting the psalm, "Let us bind the kings in chains, and the nobles in fetters of iron."

During this year an event occurred, which materially affected the immediate pursuits and future fate of Sir Francis Bacon,—the King's selection of a new favourite.

George Villiers, a younger son of Sir George Villiers and Mary Beaumont, on each side well descended, was born in 1592. Having early lost his father, his education was conducted by Lady Villiers, and, though he was naturally intelligent and of quick parts, more attention was paid to the graces of manner and the lighter accomplishments which ornament a gentleman, than the solid learning and virtuous precepts which form a great and good man. At the age of eighteen he travelled to France, and, having passed three years in the completion of his studies, he returned to the seat of his forefathers, in Leicestershire, where he conceived an intention of settling himself in marriage; but, having journeyed to London, and consulted Sir Thomas Gresham, that gentleman, charmed by his personal beauty and graceful deportment, advised him to relinquish his intention, and try his fortune at court. Shrewd advice, which he, without a sigh, obeyed. He sacrificed his affections at the first temptation of ambition.

The King had gradually withdrawn his favour from Somerset, equally displeased by the haughtiness of his manners, and by an increasing gloom that obscured all those lighter qualities which had formerly contributed to his amusement, a gloom soon after fatally explained. Although powerfully attracted by the elegance and gaiety of Villiers, yet James had been so harassed by complaints of favouritism, that he would not bestow any appointment upon him, until solicited by the Queen and some of the gravest of his councillors. In 1613 Villiers was taken into the King's household, and rose rapidly to the highest

honours. He was nominated cupbearer, received several lucrative appointments; the successive honours of knighthood, of a barony, an earldom, a marquisate, and was finally created Duke of Buckingham.

From the paternal character of Bacon's protection of the new favourite, it is probable that he had early sought his assistance and advice; as a friendship was formed between them, which continued with scarcely any interruption till the death, and, indeed, after the death of Bacon:(*a*) a friendship which was always marked by a series of the wisest and best counsels, and was never checked by the increased power and elevation of Villiers.

This intimacy between an experienced statesman and a rising favourite was naturally looked upon with some jealousy, but it ought to have been remembered that there was never any intimacy between Bacon and Somerset. In the whole of his voluminous correspondence, there is not one letter of solicitation or compliment to that powerful favourite, or any vain attempt to divert him from his own gratifications to the advancement of the public good; but in Villiers he thought he saw a better nature, capable of such culture, as to be fruitful in good works. Whatever the motives were in which this union originated, the records extant of the spirit by which it was cemented are honourable to both. In the courtesy and docility of Villiers, Bacon did not foresee the rapacity that was to end in his own disgrace, and in the violent death of the favourite.

About this period, Sir George Villiers personally and by letter, importuned his friend to communicate his sentiments respecting the conduct which, thus favoured by the King, it would be proper for him to observe; and, considering these requests as commands, Bacon wrote a letter

(*a*) See Bacon's will.

of advice to Villiers, such as is not usually given in courts, but of a strain equally free and friendly, calculated to make the person to whom it was addressed both good and great, and equally honourable to the giver and the receiver: advice which contributed not a little to his prosperity in life. It is an essay on the following subjects: (*a*)

1. Matters that concern religion, and the church and churchmen.
2. Matters concerning justice, and the laws, and the professors thereof.
3. Councillors, and the council table, and the great offices and officers of the kingdom.
4. Foreign negociations and embassies.
5. Peace and war, both foreign and civil, and in that the navy and forts, and what belongs to them.
6. Trade at home and abroad.
7. Colonies, or foreign plantations.
8. The court and curiality.

Each of these subjects he explains, with a minuteness scarcely to be conceived, except by the admirers of his works, who well know his extensive and minute survey of every subject to which he directed his attention. (*b*)

(*a*) See vol. vi. p. 400.

(*b*) From the following analysis, some conception of his vigilance may be formed:

1st, General advice as to Suitors.

I. Religion.

1. Protestant religion. 2. Doctrine. 3. Church discipline; its attention. 4. Catholics. 5. Archbishops and Bishops. 6. Deans, Canons, &c. 7. Clergy. 8. Dissenters. 9. Ceremonies. 10. Vicars, Clergy. 11. Preservation of revenue of church. 12. Universities.

II. Justice.

1. The Law of the land. 2. Resistance to arbitrary power. 3. The Judges. 4. Of private application to them. 5. On the circuits. 6. Their duties. 7. Charges to them by the Chancellor. 8. Public and private.

In the beginning of the year 1613 Sir Thomas Overbury was poisoned in the Tower by one Weston, of which crime he was convicted, received sentence of death, and was exe-

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9. Not to being hurried from term to term. 10. Attendance of sheriffs. 11. Suing to be a judge. 12. Advancing puisne judges. 13. Serjeants at law. 14. King's counsel. 15. Provincial attorneys: of the court of Wards. 16. Of the duchy of Lancaster. 17. Welsh Judge. 18. Limitation of jurisdiction. 19. Ministers of justice. 20, 21. Sheriffs, their election. 22. Lord lieutenants. 23. Justices of the peace. 24. Their nomination. 25. The moderation of justice. 26. Lenity and severity. 27. Court of Parliament. 28. Its institution. 29. Its duties. 30. Legislature. 31. Its judicial power. 32. The House of Commons. 33. The use of parliaments. 34. Ecclesiastical law.

III. Councillors of State and Great Officers of the Kingdom.

1. Different sorts. 2. Privy council. 3, 4. Their election. 5. Their number. 6. Their duties. 7. Impropriety of hasty expression of opinion. 8. Impropriety of hasty decision. 9. The King's presence. 10. Secretary. 11. Not to interfere in private causes. 12. Clerks of council. 13. Great officers. 14. From all professions.

IV. Negociations, Embassies, &c.

1. Queen Elizabeth did vary, according to the nature of the employment, the quality of the persons she employed. 2. An embassy of gratulation or ceremony, some noble person, eminent in place and able in purse. 3. An embassy of weight, concerning affairs of state, choice of some person of known judgment, wisdom, and experience; and not of a young man not weighed in state matters, nor of a mere formal man. 4. Young noblemen or gentlemen, as assistants. 5. Grave men, skilful in the civil laws and languages, conversant in courts. 6. Negociation about merchants' affairs, doctors of the civil law. 7. Lieger ambassadors or agents, vigilant, industrious, and discreet men, and had the language of the place. 8. Their care to give timely intelligence of occurrences. 9. Their charge. 10. Their general instructions in writing, and private instructions. 11. There were sent forth young men of good hopes, to be trained up: this course I shall recommend unto you, to breed up a nursery of public plants.

V. Peace and War. I in my own disposition and profession am wholly for peace.

1. I shall not need to persuade you to the advancing of it, nor the King your master. 2. God is the God of peace. 3. Justice is the best protector of it, and providence for war is the best prevention. 4. Wars.

cuted. In the progress of the trial suspicions having been excited against the Earl and Countess of Somerset, as having been deeply concerned in this barbarous act; their

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5. War of invasion. 6. Be always prepared. 7. The navy. 8, 9. Tackling, sails, and cordage. 10. True art of building of ships. 11. Powder and ammunition. 12. With mariners and seamen. 13. Sea captains and commanders, and other officers. 14. Amity and alliance with the Hollanders. 15. Scotland. 16. Civil war. 17. Competition to the crown. 18, 19, 20. A king to have a convenient stock of treasure. 21. Magazine of all sorts. 22. Expert and able commanders. 23. Governing military affairs in times of peace. 24. The faithful, the traitorous, the neutrals.

VI. Trade.

1. The home trade. 2. Improve lands. 3. Planting of orchards. 4. Gardens. 5. Hop-yards. 6. Planting and preserving woods. 7. Draining of drowned lands. 8. Dairies. 9. Land gained from forests and chases; due care that the poor commoners have no injury. 10. The making navigable rivers. 11. The planting of hemp and flax. 12. Linen cloth or cordage. 13. Wools and leather. 14. Costly laces. 15. The breeding of cattle. 16. The minerals of the kingdom. 17. Fishing. 18. Merchandise in foreign parts. 19. Returns in solid commodities. 20. Monopolies. 21. Commission for the managing of these.

VII. Colonies.

1. Choice of the place. 2. Colonies raised by leave of the King, not by command. 3. Fit governor. 4. Dependency upon the crown of England. 5. General, the common law of England; when plantation settled, courts of justice as in England. 6. Assistance of some able and military man. 7. The discipline of the church. 8. One continent. 9. Houses; plant. 10. Woods; minerals. 11. Build vessels and ships. 12. Wicked person nor suffered to go into those countries. 13. No merchant suffered to work upon their necessities. 14. Subordinate council. 15. The King's profit.

VIII. Court and Curiality.

1. The King must be exemplary. 2. But your greatest care must be, that the great men of his court, for you must give me leave to be plain with you, for so is your injunction laid upon me, yourself in the first place, who are first in the eye of all men, give no just cause of scandal, either by light, or vain, or by oppressive carriage. 3. The great officers of the King. 4. Ministerial officers. 5. Leave the ordering of household affairs to the white staffs. 6. Green-cloth. 7. His majesty's own table. 8. Preserve

injudicious friends, by endeavouring to circulate a report that these suspicions were but an artifice to ruin that nobleman, the King commanded the Attorney General to prosecute in the Star Chamber Mr. Lumsden, a gentleman of good family in Scotland, Sir John Hollis, afterwards Earl of Clare, and Sir John Wentworth, who were convicted and severely punished. The speech of Bacon upon this trial is fortunately preserved. (*a*)

Shortly after this investigation, so many circumstances transpired, all tending to implicate the Earl and Countess of Somerset, and so great an excitement prevailed through the whole country, that the King determined to bring these great offenders to trial; a resolution which he could not have formed without the most painful struggle between his duty to the public and his anxiety to protect his fallen favourite. His sense of duty as the dispenser of justice prevailed. Previous to the trial, which took place May 1616, the same course of private consultation with the judges was pursued, and the King caused it to be privately intimated to Somerset, that it would be his own fault if favour was not extended to him: (*b*) favour which was encouraged by Bacon, in a letter to the King, in which he says, "The great downfall of so great persons carrieth in itself a heavy judgment, and a kind of civil death, although their lives should not be taken. All which may satisfy honour for sparing their lives."

In his speech upon the trial (*c*) Bacon gave a clear and circumstantial account of the whole conspiracy against

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the revenues of crown; empty coffers give an ill sound. 9. Forfeitures. 10. Pastimes and disports, when there is a queen and ladies. 11. But for the King and Prince. 12. Dice and cards.

(*a*) Vol. vi. p. 154.

(*b*) See letter of April 28, 1616, from Bacon to Villiers, vol. vi. p. 223

(*c*) See vol. vi. p. 235.

Overbury, describing the various practices against his life; but though he fully and fairly executed his duty as Attorney General, it was without malice or harshness, availing himself of an opportunity, of which he never lost sight, to recommend mercy;(*b*) and though the friends of the new favourite were supposed to have been deeply interested in the downfall of Somerset, and accused of secretly working his ruin, Bacon gained great honour in the opinions of all men, by his impartial, and yet merciful treatment of a man(*c*) whom in his prosperity he had shunned and despised.

Early in this year a dispute which occasioned considerable agitation, arose between the Court of Chancery and 1615. Æt. 55.

(*b*) "My lords, this is now the second time within the space of thirteen years reign of our happy sovereign, that this high tribunal-seat of justice, ordained for the trial by peers, hath been opened and erected; and that, with a rare event, supplied and exercised by one and the same person, which is a great honour to you, my Lord Steward.

"In all this meantime the King hath reigned in his white robe, not sprinkled with any drop of blood of any of his nobles of this kingdom. Nay, such have been the depths of his mercy, as even those noblemen's bloods, against whom the proceeding was at Winchester, Cobham and Grey, were attainted and corrupted, but not spilt or taken away; but that they remained rather spectacles of justice in their continual imprisonment, than monuments of justice in the memory of their suffering.

"I am very glad to hear this unfortunate lady doth take this course, to confess fully and freely, and thereby to give glory to God and to justice. It is, as I may term it, the nobleness of an offender to confess: and therefore those meaner persons, upon whom justice passed before, confessed not; she doth. I know your lordships cannot behold her without compassion; many things may move you, her youth, her person, her sex, her noble family; yea, her provocations, if I should enter into the cause itself, and furies about her; but chiefly her penitency and confession. But justice is the work of this day; the mercy-seat was in the inner part of the temple; the throne is public. But since this lady hath by her confession prevented my evidence, and your verdict, and that this day's labour is eased: there resteth, in the legal proceeding, but for me to pray that her confession may be recorded, and judgment thereupon."

(*c*) Biographia Brit. 469, art. *Bacon*.

the Court of King's Bench, respecting the jurisdiction o the Chancellor after judgment given in courts of law Upon this dispute, heightened by the warmth and haughtiness of Sir Edward Coke, and the dangerous illness of the Chancellor at the time when Coke promoted the inquiry, the King and Villiers conferred with Bacon, to whom and other eminent members of the profession, the matter was referred, and, upon their report, the King in person pronounced judgment in favour of the Lord Chancellor, with some strong observations upon the conduct of Coke. (*a*)

1616. Æt. 56. Pending this investigation, Villiers it seems communicated to Bacon the King's intention either to admit him a member of the privy council, or upon the death or resignation of the Chancellor, to entrust him with the great seal,

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(*a*) Camden's Annals of King James, June 20, 1616. Sanderson's Hist. of King James, p. 431. Stephens's Introduction to Lord Bacon's Letters, p. 33. See letter from Bacon to the King, dated 21 Feb. 1515-16, for a full account of this dispute, its projects, and termination, it will be found in vol. xii. page 36.

A Letter to Sir George Villiers, touching the difference between the Courts of Chancery and King's Bench.

Sir,—I received this morning from you two letters by the same bearer, the one written before the other, both after his majesty had received my last. In this difference between the two courts of Chancery and King's Bench (for so I had rather take it at this time, than between the persons of my Lord Chancellor and my Lord Chief Justice,) I marvel not, if rumour get way of true relation; for I know fame hath swift wings, especially that which hath black feathers; but within these two days (for sooner I cannot be ready) I will write to his majesty both the narrative truly, and my opinion sincerely, taking much comfort, that I serve such a king, as hath God's property, in discerning truly of men's hearts. I purpose to speak with my Lord Chancellor this day, and so to exhibit that cordial of his majesty's grace, as I hope this other accident will rather rouse and raise his spirits than deject him, or incline him to a relapse; meanwhile, I commend the wit of a mean man that said this other day, well (saith he) next term you shall have an old man come with a besom of wormwood in his

a trust to which he was certain of the Chancellor's recommendation. (*c*)

Having thus discharged the duties of Solicitor and Attorney General, with much credit to himself and advantage to the community, he early in the year 1615-16, expressed to Villiers his wish to be admitted a member of the privy council, from the hope that he might be of service "in times which did never more require a king's attorney to be well armed, and to wear a gauntlet and not a glove." (*d*) In consequence of this communication, the

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hand, that will sweep away all this. For it is my Lord Chancellor's fashion, especially towards the summer, to carry a posy of wormwood. I write this letter in haste, to return the messenger with it. God keep you, and long and happily may you serve his majesty. Your true and affectionate servant.—Feb. 10, 1615.

Postscript. Sir, I humbly thank you for your inward letter: I have burned it as you commanded, but the flame it hath kindled in me will never be extinguished.

(*c*) See letter to Villiers, 21st Feb. 1615-16, vol. i. p. 1, containing the following statement: "My Lord Chancellor told me yesterday, in plain terms, that if the King would ask his opinion touching the person that he would commend to succeed him, upon death or disability, he would name me for the fittest man. You may advise whether use may not be made of this offer."

(*d*) Another letter to Sir George Villiers, touching a motion to swear him Councillor, Feb. 27, 1615.

Sir,—I humbly pray you not to think me over hasty or much in appetite, if I put you in remembrance of my motion of strengthening me with the oath and trust of a privy councillor; not for mine own strength (for as to that I thank God I am armed within) but for the strength of my service. The times I submit to you who knoweth them best. But sure I am, there were never times which did more require a king's attorney to be well armed, and (as I said once to you) to wear a gauntlet, and not a glove. The arraignments when they proceed; the contention between the Chancery and King's Bench; the great cause of the Rege inconsulto, which is so precious to the King's prerogative; divers other services that concern the King's revenue, and the repair of his estate. Besides, it pleaseth his majesty to accept well of my relations touching his business; which may seem a

King, on the 3rd of June, gave him the option either to be made privy councillor, or the assurance of succeeding the Chancellor. Bacon, for reasons which he has thus expressed in a letter to Villiers, preferred being sworn privy councillor:

"Sir, the King giveth me a noble choice, and you are the man my heart ever told me you were. Ambition would draw me to the latter part of the choice; but in respect of my hearty wishes that my Lord Chancellor may live long, and the small hopes I have that I shall live long myself, and above all, because I see his majesty's service daily and instantly bleedeth; towards which I persuade myself (vainly perhaps, but yet in mine own thoughts firmly and constantly) that I shall give, when I am of the table, some effectual furtherance (as a poor thread of the labyrinth, which hath no other virtue but an united continuance without interruption or distraction), I do accept of the former to be councillor for the present, and to give over pleading at the bar; let the other matter rest upon my proof and his majesty's pleasure, and the accidents of time. For to speak plainly I would be loath that my Lord Chancellor, to whom I owe most after the King and yourself, should be locked to his successor for any advancement or gracing of me. So I ever remain your true and most devoted and obliged servant.—3rd June, 1616."

He was accordingly sworn of the privy council, and took his seat at the board on the 9th of June; it having been

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kind of interloping (as the merchants call it) for one that is no councillor. But I leave all unto you, thinking myself infinitely bounden unto you for your great favours; the beams whereof I see plainly reflect upon me even from others: so that now I have no greater ambition than this; that as the King sheweth himself to you the best master, so I might be found your best servant. In which wish and vow I shall ever rest, most devoted and affectionate to obey your commands.

previously agreed, (*a*) that though in general he should cease to plead as an advocate, his permission to give counsel in causes should continue, and that if any urgent and weighty matter should arise, that he might with the King's permission be allowed to plead. Upon this unusual honour he was immediately congratulated by the university of Cambridge. (*b*)

Such were the occupations of this philosopher, who during the three years in which period he was Attorney General, conducted himself with such prudent moderation in so many perplexed and difficult cases, and with such evenness and integrity, that his conduct has never been questioned, nor has malice dared to utter of him the least calumny. (*c*)

He now approached his last act as Attorney General, which was of the same nature as the first, his prosecution of Mr. Markham in the Star Chamber, for sending a challenge to Lord Darcy. (*d*)

On the 3rd of March, 1616-17, Lord Brackley, then Lord Chancellor, being worn out with age and infirmities, resigned the great seal, and escaped, for a short interval, from the troubles of the court of Chancery, over which he had presided for thirteen years, amidst the disputes between this high tribunal and the courts of common law, and the pressure of business which had so increased as to have been beyond the power of any individual to control. (*e*) 1616-17. Æt. 57.

On the 7th of the same month, the seals were delivered by the King to Sir Francis Bacon, with four admonitions:

(*a*) See letter of 5th July, 1616, vol. xii. p. 196.
(*b*) See letter of 5th July, 1616, vol. xii. p. 190.
(*c*) Mallet's Life of Lord Bacon, p. 19, in a note.
(*d*) Hobart's Reports, p. 120.
(*e*) See note D D D at the end.

First, to contain the jurisdiction of the court within its true and due limits, without swelling or excess. *Secondly*, not to put the great seal to letters patent as a matter of course to follow after precedent warrants. *Thirdly*, to retrench all unnecessary delays, that the subject might find that he did enjoy the same remedy against the fainting of the soul and the consumption of the estate, which was speedy justice. "Bis dat, qui cito dat." *Fourthly*, that justice might pass with as easy charge as might be; and that those same brambles, that grow about justice, of needless charge and expense, and all manner of exactions, might be rooted out so far as might be. (*b*)

Thus was Francis Bacon, then in the fifty-seventh year of his age, created Lord Keeper of the Great Seal of England.

In the joy of recent possession he instantly wrote to his friend and patron, the Earl of Buckingham, with a pen overflowing with the expression of his gratitude.

My dearest Lord,—It is both in cares and kindness, that small ones float up to the tongue, and great ones sink down into the heart in silence. Therefore I could speak little to your lordship to-day, neither had I fit time. But I must profess thus much, that in this day's work you are the truest and perfectest mirror and example of firm and generous friendship that ever was in court. And I shall count every day lost, wherein I shall not either study your welldoing in thought, or do your name honour in speech, or perform you service in deed. Good my Lord, account and accept me your most bounden and devoted friend and servant of all men living, FR. BACON, C. S.

March 7, 1616-17.

(*b*) See note E E E at the end.

Such is the nature of human delight; such the nature of human foresight!

As he must have known, what he has so beautifully taught, that a man of genius can seldom be permanently influenced by worldly distinction: as he well knew that his own happiness and utility consisted not in action but in contemplation, (*a*) as he had published his opinion that "men in great place are thrice servants; servants of the sovereign or state, servants of fame, and servants of business; so as they have no freedom, neither in their persons, nor in their actions, nor in their times," (*b*) it is probable that he was urged to this and to every other step on the road to aggrandizement, either by the importunities of his family, or by his favourite opinion, that "knowledge is never so dignified and exalted as when contemplation and action are nearly and strongly conjoined together: a conjunction like unto that of the two highest planets, Saturn the planet of rest and contemplation, and Jupiter the planet of civil society and action."

It has been said by some of the ancient magicians, that they could see clearly all which was to befal others, but that of their own future life they could discern nothing. It might be a curious speculation for any admirer of the works of this great man, to collect the oracles he would have delivered to warn any other philosopher of the probable danger and certain infelicity of accepting such an office in such times.

(*a*) See note F F F at the end.

(*b*) "Thou art become (O worst imprisonment)
The dungeon of thyself. Thy soul
Imprisoned, now indeed
In real darkness of the body, dwells
Shut up from outward light."—Samson Agonistes.
Essay on Great Place, vol. i. p. 33.

To the hope of wealth he would have said, "it diverts and interrupts the prosecution and advancement of knowledge, like unto the golden ball thrown before Atalanta, which, while she goeth aside and stoopeth to take it up, the race is hindered.

"Declinat cursus aurumq. volubile tollit."(*a*)

To the importunities of friends he would have answered by his favourite maxim, "You do not duly estimate the value of pleasures; for if you observe well, you shall find the logical part of some men's minds good, but the mathematical part nothing worth: that is, they can judge well of the mode of attaining the end, but ill of the value of the end itself." (*b*)

He would have warned ambition that "the seeled dove mounts and mounts because he is unable to look about him." (*c*)

To the supposition "that worldly power is the means to do good," he would have said, "A man who spends his life in an impartial search after truth, is a better friend to mankind than any statesman or hero, whose merits are commonly confined within the circle of an age or a nation, and are not unlike seasonable and favouring showers, which, though they be profitable and desirable, yet serve for that season only wherein they fall, and for a latitude of ground which they water; but the benefices of the philosopher, like the influences of the sun and the heavenly bodies, are for time permanent, for place universal: those again are commonly mixed with strife and perturbation;

(*a*) Advancement of Learning, vol. ii. p. 52.

(*b*) Advancement of Learning, vol. ii. p. 286.

(*c*) Essay on Ambition, vol. i. p. 127.

but these have the true character of divine presence, and come in *aura leni* without noise or agitation."(*d*)

(*d*) " Zeno and Chrysippus did greater things in their studies, than if they had led armies, borne offices, or given laws; which in truth they did, not to one city alone, but to all mankind. Their quiet contributed more to the common benefit than the sweat and labour of other people. That retreat is not worth the while, which does not afford a man greater and nobler works than business. There is no slavish attendance upon great officers; no canvassing for places; no making of parties; no disappointments in my pretension to this charge, to that regiment, or to such or such a title; no buoy of any man's favour or fortune, but a calm enjoyment of the general bounties of providence, in company with a good conscience. A wise man is never so busy, as in the solitary contemplation of God and the works of nature. He withdraws himself to attend the service of future ages." Seneca.

" There were reckoned above human honours, honours heroical and divine; in the distribution whereof antiquity observed this order. Founders of states, lawgivers, extirpers of tyrants, fathers of their country, and other eminent persons in civil merit, were honoured with the title of Worthies only, or Demi-Gods; such as were Theseus, Minos, Romulus, and the like: on the other side, such as were inventors and authors of new arts, and such as endowed man's life with new commodities and accessions, were ever consecrated among the greater and entire gods, which happened to Ceres, Bacchus, Mercury, Apollo, and others, which indeed was done justly, and upon sound judgment. The introduction of noble inventions seems to hold by far the most excellent place among all human actions. And this was the judgment of antiquity, which attributed divine honours to inventors, but conferred only heroical honours upon those who deserved well in civil affairs, such as the founders of empires, legislators, and deliverers of their country. And whoever rightly considers it will find this a judicious custom in former ages, since the benefits of inventors may extend to all mankind, but civil benefits only to particular countries or seats of men; and these civil benefits seldom descend to more than a few ages, whereas inventions are perpetuated through the course of time. Besides, a state is seldom amended, in its civil affairs, without force and perturbation, whilst inventions spread their advantage, without doing injury, or causing disturbance." Advancement of Learning, vol. ii. p. 62.

In his New Atlantis he says, " We have two very long and fair galleries: in one of these we place patterns and samples of all manner of the more rare and excellent inventions; in the other we place the statues of all principal inventors. There we have the statue of your Columbus, that

The flattering illusion of good to result from the union of contemplation and action would have been dissipated by the admonition, that the life and faculties of man are so

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discovered the West Indies; also the inventor of ships; your monk, that was the inventor of ordnance and of gunpowder; the inventor of music; the inventor of letters; the inventor of printing; the inventor of observations of astronomy; the inventor of works in metal; the inventor of glass; the inventor of silk of the worm; the inventor of wine; the inventor of corn and bread; the inventor of sugars; and all these by more certain tradition than you have. Then have we divers inventors of our own, of excellent works, which since you have not seen, it were too long to make descriptions of them; and besides, in the right understanding of those descriptions you might easily err. For, upon every invention of value, we erect a statue to the inventor, and give him a liberal and honourable reward. These statues are some of brass; some of marble and touchstone; some of cedar and other special woods gilt and adorned; some of iron; some of silver; some of gold."

"For my part, I should think of a man who spent his time in such a painful impartial search after truth a better friend to mankind than the greatest statesman or hero, the advantage of whose labours is confined to a little part of the world and a short space of time, whereas a ray of truth may enlighten the whole world, and extend to future ages."

Minute Philosopher.

"But to speak my mind freely on the subject of consequences, I am not so scrupulous perhaps, in my regard to them, as many of my profession are apt to be: my nature is frank and open, and warmly disposed, not only to seek, but to speak what I take to be true, which disposition has been greatly confirmed by the situation into which Providence has thrown me. For I was never trained to pace in the trammels of the church, nor tempted by the sweets of its preferment to sacrifice the philosophic freedom of a studious to the servile restraints of an ambitious life: and from this very circumstance, as often as I reflect upon it, I feel that comfort in my own breast which no external honours can bestow. I persuade myself that the life and faculties of man, at the best but short and limited, cannot be employed more rationally or laudably than in the search of knowledge; and especially of that sort which relates to our duty and conduces to our happiness. In these inquiries, therefore, wherever I perceive any glimmering of truth before me, I readily pursue, and endeavour to trace it to its source; without any reserve or caution of pushing the discovery too far, or opening too great a glare of it to the public. I look upon the discovery of any thing which is true as a valuable acquisition to society; which can-

short and limited that this union has always failed, and must be injurious both to the politician and to the philosopher. (*a*) To *the politician*, as, from variety of speculation, he would neither be prompt in action nor consistent in general conduct; (*b*) and as, from meditating upon the universal frame of nature, he would have little disposition to confine his views to the circle where his usefulness might be most beneficial. To *the philosopher*, as powers intended to enlarge the province of knowledge, and enlighten distant ages, would be wasted upon subjects of mere temporary interest, debates in courts of justice, and

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not possibly hurt or obstruct the good effect of any other truth whatsoever; for they all partake of one common essence, and necessarily coincide with each other: and like the drops of rain, which fall separately into the river, mix themselves at once with the stream, and strengthen the general current." Middleton.

(*a*) "Sed quid ego hæc," says Cicero, "quæ cupio deponere, et toto animo, atq: omni curâ φιλοσοφειν. Sic, inquam, in animo est: vellem ab initio."

"Indeed, my lord, I greatly deceive myself, if in this hard season, I would give a peck of refuse wheat for all that is called fame and honour in the world." Such is the lamentation of Burke.

"If this," says Lord Bacon, "be to be a Chancellor, I think if the great seal lay upon Hounslow Heath, nobody would take it up."

"In the traditions of astrology, the natures and dispositions of men are not without some colour of truth, distinguished from the predominancies of planets; as that some are by nature made and proportioned for contemplation, others for matters civil, others for war, others for advancement, others for pleasure, others for arts, others for changeable course of life, but none the union of the opposite qualities of extreme contemplation and extreme action." De Aug.

(*b*) "Men of genius are rarely either prompt in action, or consistent in general conduct. Their early habits have been those of contemplative indolence, and the day dreams with which they have been accustomed to amuse their solitude adapt them for splendid speculation and temperate and practicable counsels."—Coleridge. See similar observations in Aiken's Miscellaneous Pieces in Prose, in the Essay against inconsistency in our expectations.

the mechanism of state business. That Bacon should have been doomed to such occupations, that he, who stood the lofty beacon of science, evermore guiding the exploring scholar in voyages of discovery to improve and bless mankind, should voluntarily have descended to the shifting quicksands of politics, is a theme for wonder and pity. He could have pointed out to another the shoals, the sunken rocks, and the treacherous nature of the current; but he adventured,—and little minds can now point out where he was lost, and where the waters went over his soul."

Much as it is to be lamented that he should have accepted this office, the loss to science seems, in some sort, to have been compensated by his entire devotion to his professional and political duties: duties for which he possessed unrivalled powers.

It has been truly said by the biographer of Bacon's successor, that "the Chancellorship of England is not a chariot for every scholar to get up and ride in. Saving this one, perhaps it would take a long day to find another. Our laws are the wisdom of many ages, consisting of a world of customs, maxims, intricate decisions, which are *responsa prudentum.* Tully could never have boasted, if he had lived amongst us, *Si mihi vehementer occupato stomachum moverint, triduo me jurisconsultum profitebor.* (*a*) He is altogether deceived, that thinks he is fit for the exercise of our judicature, because he is a great rabbi in some academical authors; for this hath little or no copulation with our encyclopedia of arts and sciences. Quintillian might judge right upon the branches of oratory and philosophy, *Omnes disciplinas inter se conjunctionem rerum, et*

(*a*) "If the advocates of Rome angered him, though he were full of business, he would pass for a lawyer in three days."—Orat. pro Mar.

communionem habere. (*a*) But our law is a plant that grew alone, and is not entwined into the hedge of other professions; yet the small insight that some have into deep matters, cause them to think that it is no insuperable task for an unexpert man, to be the chief arbiter in a court of equity. Bring reason and conscience with you, the good stock of nature, and the thing is done. *Æquitas optimo cuique notissima est,* is a trivial saying, a very good man cannot be ignorant of equity; and who knows not that extreme right is extreme injury? But they that look no further than so, are short-sighted: for there is no strain of wisdom more sublime, than upon all complaints to measure the just distance between law and equity; because in this high place, it is not equity at lust and pleasure that is moved for, but equity according to decrees and precedents foregoing, as the dew-beaters have trod the way for those that come after them." (*b*)

Of Bacon's fitness for this office, some estimate may be formed by a consideration of the four principal qualifications of a Chancellor, as

A Lawyer.
A Judge.
A Statesman.
And the Patron of Preferment.

As a Lawyer he had for a series of years been engaged in professional life. He had been Solicitor and Attorney General; had published upon different parts of the law; had deeply meditated upon the principles of equity, and had availed himself of every opportunity to assist in

(*a*) "Let all partition of knowledge be accepted rather for lines and veines, than for sections and separations."—Adv. of Learning, vol. ii. p. 153, where there are similar and valuable observations.

(*b*) Hackett's Life of Williams.

improvement of the law, in obedience to his favourite maxim, "that every man is a debtor to his profession, from the which, as men do of course seek countenance and profit, so ought they of duty to endeavour themselves by way of amends to be a help and ornament." (*a*)

As a Judge, he, from his infancy, had seen the different modes in which judicial duties were discharged, had meditated deeply and published his opinions upon the perfection of these duties "to the suitors, to the advocates, to the officers of justice underneath them, and to the sovereign or state above them:" (*b*) and, in his addresses to the judges upon their appointment or promotion, he availed himself of every opportunity to explain them.

As a Statesman, we have seen that he was cradled in politics; (*c*) that his works abound with notices of his political exertions; that his advice to Sir George Villiers is an essay upon all the various duties of a statesman, with respect to religion, justice, the council table, foreign negociations, peace and war, trade, the colonies and the court; (*d*) and of his parliamentary eloquence his friend Ben Jonson says, (*e*) "There happened in my time one

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(*a*) See ante, pp. cxxxviii and clxvi, and notes C C and 3 G.

(*b*) See his Essays on Delay, on Dispatch, and on Judicature. See his addresses to the Judges, vol. vii. p. 241 to 270. See postea, and see his advice to Villiers, vol. vi. p. 41, "But because the life of the laws lies in the due execution and administration of them, let your eye be, in the first place, upon the choice of good judges: these properties they had need to be furnished with; to be learned in their profession, patient in hearing, prudent in governing, powerful in their elocution to persuade and satisfy both the parties and hearers; just in their judgment; and, to sum up all, they must have these three attributes; they must be men of courage, fearing God, and hating covetousness; an ignorant man cannot, a coward dares not be a good judge."

(*c*) Ante, p. 111.

(*d*) See vol. vi. p. 400, ante, p. clxxxi.

(*e*) Ante, p. xxviii. I venture here to repeat the passage.

noble speaker who was full of gravity in his speaking; his language, where he could spare or pass by a jest, was nobly censorious. No man ever spake more neatly, more pressly, more weightily, or suffered less emptiness, less idleness in what he uttered. No member of his speech but consisted of his own graces. His hearers could not cough or look aside from him without loss. He commanded where he spoke, and had his judges angry and pleased at his devotion. No man had their affections more in his power. The fear of every man that heard him was lest he should make an end."

As a Patron, he considered preferment a sacred trust, to preserve and promote high feeling, encourage merit, and counteract the tendency of learning to dispose men to leisure and privateness. (*a*)

In his advice to Villiers, as to the patrimony of the church, he says, "You will be often solicited, and perhaps importuned to prefer scholars to church livings: you may further your friends in that way, 'cæteris paribus;' otherwise remember, I pray, that these are not places merely of favour; the charge of souls lies upon them, the greatest account whereof will be required at their own hands; but they will share deeply in their faults who are the instruments of their preferment." (*b*)

A few weeks after he was appointed Lord Keeper, he thus writes to a clergyman of Trinity College, Cambridge: "After my hearty commendations, I having heard of you,

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(*a*) Advancement of Learning, vol. ii. p. 19.

(*b*) See vol. vi. p. 410. Sir E. Coke said, "As for the many benefices in his own patronage, he freely gave them to the worthy men, being wont to say, in his law language, that he would have church livings pass by livery and seisin, not bargain and sale." Chancellor Wrottesley said, "Two things my servants shall not gain by, my livings and my decrees: the one are God's, the other the King's."

as a man well deserving, and of able gifts to become profitable in the church; and there being fallen within my gift the rectory of Frome St. Quintin with the chapel of Evershot, in Dorsetshire, which seems to be a thing of good value, eighteen pounds in the king's books, and in a good country, I have thought good to make offer of it to you; the rather for that you are of Trinity college, whereof myself was some time; and my purpose is to make choice of men rather by care and inquiry, than by their own suits and commendatory letters. So I bid you farewell.

From your loving friend, Fr. Bacon, C. S."

From Dorset House, 23rd April, 1617.

Upon sending to Buckingham his patent for creating him a viscount, he says, "I recommend unto you principally, that which I think was never done since I was born, and which, because it is not done, hath bred almost a wilderness and solitude in the King's service; which is that you countenance and encourage, and advance able men, in all kinds, degrees, and professions. For in the time of the Cecils, the father and the son, able men were by design and of purpose suppressed; and though of late choice goeth better, both in church and commonwealth, yet money and time-serving, and cunning canvasses and importunity prevaileth too much. And in places of moment, rather make able and honest men yours, than advance those that are otherwise, because they are yours."

And in his appointment of judges, it will be seen that he was influenced only by an anxiety to select the greatest ability and integrity, "science and conscience,"(*a*) for these important trusts.

In the exercise of this virtue there was not any merit peculiar to Bacon. It was the common sympathy for

(*a*) Fuller.

intellect, which, from consciousness of the imbecility and wretchedness attendant upon ignorance, uses power to promote merit and relieve wrongs. It passes by the particular infirmities of those who contribute any thing to the advancement of general learning: judging it fitter that men of abilities should jointly engage against ignorance and barbarism. This had many years before his promotion been stated by Bacon: "Neither can this point otherwise be; for learning endueth men's minds with a true sense of the frailty of their persons, the casualty of their fortunes, and the dignity of their soul and vocation: so that it is impossible for them to esteem that any greatness of their own fortune can be a true or worthy end of their being and ordainment; whereas the corrupter sort of mere politicians, that have not their thoughts established by learning in the love and apprehension of duty, nor ever look abroad into universality, do refer all things to themselves, and thrust themselves into the centre of the world, as if all lines should meet in them and their fortunes; never caring, in all tempests, what becomes of the ship of state, so they may save themselves in the cockboat of their own fortune." (*b*)

(*b*) "Napoleon happened to see a captain or lieutenant-colonel of engineers, who was modestly assisting in the fortifications of the place, and with whom he entered into a discussion of certain points connected with the business in which he was engaged. Shortly after, the officer unexpectedly received a letter, informing him that he was appointed aid-de-camp to the Emperor, and directing him to repair to the Tuileries, to enter upon his duties. The poor officer was filled with astonishment; he thought he was dreaming, or that the letter had been misdirected. He was so extremely diffident, and possessed so little knowledge of the world, that this announcement of his promotion threw him into great perplexity. He recollected having once seen me at Antwerp, and he begged I would render him my assistance. Accordingly, on his arrival in Paris, he came and assured me of his total ignorance of court manners, and the embarrassment he felt in presenting himself to the Emperor.

This truth, necessarily attendant upon all knowledge, is not excluded from judicial knowledge. It has influenced all intelligent judges: Sir Thomas More; the Chancellor de l'Hôpital; Lord Somers, to whom he has been compared; d'Aguesseau; Sir Edward Coke, and Sir Matthew Hale. Bacon's favourite maxim therefore was, "Detur digniori: qui beneficium digno dat omnes obligat;" and in his prayer, (*a*) worthy of a Chancellor, he daily said, "This vine which my right hand hath planted in this nation I have ever prayed unto thee that it might stretch her branches to the seas and to the floods."

Whatever were Sir Francis's gratifications, attendant upon the dignity of this promotion, in direct pecuniary profit he sustained great loss: as he relinquished his office of Attorney General, worth at least £6000. a year, his Chancellorship to the Prince, and his post of Registrar of the Star Chamber, worth about £1600. a year, (*b*) whilst the direct profits of the great seal were only £918. 15*s*. (*c*) Of the amount of the indirect profits from fees and presents it is, of course, impossible to form a correct estimate. It must, however, have been considerable, as, according to

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However, I soon succeeded in encouraging him; and before he reached the gate of the palace, he had mustered a tolerable degree of confidence. This officer was General Bernard, whose great talents were brought into notice by this circumstance, and who, at the time of our disasters, proceeded to America, where he was placed at the head of the military works of the United States."—Las Cases, iv. 62.

"A man who by a partial, prejudiced, or corrupt vote, disappoints a worthy candidate of a station in life, upon which his hopes, possibly, or livelihood, depended, and who thereby grievously discourages merit and emulation in others, commits, I am persuaded, a much greater crime, than if he filched a book out of a library, or picked a pocket of a handkerchief."
Paley.

(*a*) Vol. vii. p. 1.

(*b*) Biog. Brit. p. 392.

(*c*) See note E E E at the end.

the oriental customs of the times, statesmen were then seldom approached by a suitor without some acceptable offering.

The new year's gifts, regularly presented to the King, were of immense value, and were given by the great officers of state, peers and peeresses, the bishops, knights, and their ladies, gentlemen and gentlewomen, and even from the tradesmen, and all the officers of the household. These presents were chiefly in money, but sometimes varied by the taste of the donors. As a matter of curiosity, it may be noticed, that Sir Francis Bacon gave to the Queen "one pettycoat of white sattin, embrodered all over like feathers and billets, with three broad borders, fair embrodered with snakes and fruitage, 'emblems of wisdom and bounty;' exhibiting, even at that day, a fancy delighting in splendour and allegory;" (*a*) and so general was the practice, that when Bacon applied to the Queen to be appointed Solicitor General, his application was accompanied by the present of a jewel. (*b*)

This custom of making presents to persons in power was not confined to the reigning monarch, but extended to statesmen. They were made, as of course, to Lord Salisbury, to Lord Burleigh, and to all persons in office, and made by the most virtuous members of the community. (*c*) The same custom extended to the Chan-

(*a*) See note Z Z Z Z at the end.

(*b*) See ante, p. xxxii, and note R R at the end.

(*c*) In April, 1595, the Bishop of Durham thus wrote to Lord Burleigh: "Right Honourable, Your L. having alwaies been an especial patron to the see of Duresme, wherein it hath now pleased God and her majesty to place me, thoughe unworthie; and myself reaping the fruite of your L. and extraordinarie furtherance in obtayning the same, I could not without great note of ingratitude (the monster of nature) but yelde your L. some signification of a thankful minde. And seeking by all good means, but contrary to myne expectation, not finding any office or other particular

cellor, (*a*) and to the Judges. In the time of Henry th
Sixth the practice existed. (*a*) In the time of Sir Thoma

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presentlie voyde, either fitt for me to offer your lordship, or sure for you L. to receive at my hande, I have presumed in lieu thereof to present you good lordship with an hundred pounds in golde, which this bringer wi deliver to your L. It is no recompense any waie proportionable, I con fesse, to your lordship's great goodnesse towards me, but onely a sclende token of my dutie most bounden to your L. and a pledge of my servic alwaies to be at your L. commandment afore and above any man alive which I beseech your lordship to accept in such part as is simply an faithfully meant. And so desyring the continuance and encrease of you L. honorable opinion and favour, of the which I shall endeavour, by God's grace, your L. shall never repent yourselfe. I most humblie betake you good L. to the blessed tuition of the Almighty. Your Lordship's most humble and bounden, TOBIAS DUNELM."

A mode of address, which about the same period, was adopted by the Duke of Wirtemberg: " Monsieur, Je ne doubte que vous ne soyez aduertij de ce que j'ay par cij deuant, comme mesmes auec ceste commodite, escrit et demande humblement a La Serenissime Royne d'Angleterre et de me laisser passer environ 1000 pieces de trap hors le renommé royaulme d'Icelle, librement et sans aulcun peage, et pource que je scay, que vous pourrez beaucoup en cest affaire. Je vous prye bien fort, vous ij employer. Affin que je puisse auoir vne bonne et brefue respounce, telle comme je le desire et demande, dont mon commis le present porteur a charge, vous je present de ma part vne chaine d'or pov. vos peines. Laquelle accepterez: s'il vous plaist de bon cueur. En tous lieux la on j'auray moyen de recognoistre cela en vre endroict j'en suis content de vous grattiffier a vre contentement, de telle volunte, comme apres mes affectionnees recommendatione. Prye Dieu vous avoir, Monsieur, en sa sainte digne garde. De Stuctgart ce 12me de Decembre, 1594. Vre bien affectionné, FRIDERICH."

See note Z Z at the end, where various instances will be found.

(*a*) Receiving presents was a practice neither uncommon among his predecessors in that court, nor, I believe, imputed to them for unrighteousness. This will appear plainly by the curious anecdote that follows; which I myself copied from the original manuscript, in the possession of Henry Wise, Esq. of Hampton Court.

" Declarant etiam executores predicti quod ipsi ad speciale rogatum prædicti domini Henrici fili docti Domini nuper comitis, quod erat eis ad preceptum, dederunt Domino Cancellario Angliæ, 1 shaving bacyn argenti, quæ erat predicti domini patris sui, viz. Ad excitandum dictum Dominum

More, when the custom seems to have been waning, presents were, without any offence, offered to that righteous man; (*b*) and it is mentioned by the biographer of Sir

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Cancellarium fore benevolum et benefacientem materiis dicti Domini Henrici in curiis Domini regis pendentibus pretium VIIII£.

" Declarant etiam executores predicti quod ipsi dederant Domini Archi. Cantuariæ Cancellario Angliæ, J. saultauri ad similitudinem Cervi jacentis facti, quod erat dicti domini nuper comitis, appretiatum ad £40. 16*s*. 8*d*. ad intentionem ut ipse Dom. Archi. et Canc. suum bonum Dominum et auxilium dictis executoribus favorabiliter ostenderet et faceret in certis materiis que versus eosdem executores ad grave prejudicium et impedimentum debite executionis testamenti et ultime voluntatis dicti Domini nuper comitis subtiliter movebantur; ad valentiam sicut predicitur."

This paper is called, Declaracio Thomæ Huggeford, Nicoli Rody et Willi. Berkswel presbyter. These were executors and feoffees of Richard Beauchamp, Earl of Warwick, and this declaration was made in the 21st year of Henry the Sixth, to account for certain plate, jewels, and so forth, which had come into their hands as his executors.—Copied by me from some work, which I cannot, at present, find. B. M.

(*b*) His integrity in his office was sufficiently proved by the reduced state of his circumstances when he resigned the seals; but there are two or three anecdotes which will serve to illustrate this part of his character.

After his fall, the Earl of Wiltshire, the father of Anne Boleyne, preferred a complaint against him to the council, for having taken a bribe from one Vaughan. Sir Thomas confessed that he had received the cup from the hands of Vaughan's wife, but immediately ordering the butler to fill it with wine, he drank to her, and when she had pledged him, says he, " as freely as your husband hath given this cup to me, even so freely give I the same to you again, to give your husband for his new year's gift."

At another time one Gresham having a cause depending in Chancery, sent Sir Thomas a fair gilt cup, the fashion of which pleased him so well, that he caused one of his own, of more value to be delivered to the messenger for his master, nor would he receive it on any other condition.

Being presented by a lady with a pair of gloves, and forty pounds in angels in them, he said to her, " Mistress, since it were against good manners to refuse your new year's gift, I am content to take your gloves, but as for the lining, I utterly refuse it."

The following anecdote of More is given by Lord Bacon in his Essays: A person who had a suit in Chancery sent him two silver flagons, not doubting of the agreeableness of the present. On receiving them, More called one of his servants, and told him to fill those two vessels with the

Augustine Nicholls, one of the judges in the time of James the First, as an instance of his virtue, that "he had exemplary integrity, even to the rejection of gratuities after judgment given, and a charge to his followers that they came to their places clear handed, and that they should not meddle with any motions to him, that he might be secured from all appearance of corruption." (*a*)

This custom, which, more or less, seems to have prevailed at all times in nations approaching civilization, was about the year 1560 partially abolished in France by the exertions of l'Hôpital, which abolition is thus stated by Mr. Butler, in his life of the Chancellor:

"Another reformation in the administration of justice, which l'Hôpital wished to effect, was the abolition of the épices, or presents made, on some occasions, by the parties in a cause, to the judges by whom it was tried.

"A passage in Homer, (*b*) where he describes a compartment in the shield of Achilles, in which two talents of gold were placed between two judges, as the reward of the best speaker, is generally cited to prove, that even in the earliest times, the judges were paid for their administration of justice. (*c*)

"Plutarch mentions, that under the administration of Pericles, the Athenian magistrates were first authorized to require a remuneration from the suitors of their courts.

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best wine in his cellar; and turning round to the servant who had presented them, "Tell your master," replied the inflexible magistrate, "that if he approves my wine, I beg he would not spare it."

(*a*) Lloyd.

(*b*) See the passage in note Z Z at the end.

(*c*) Mr. Butler adds: "But an attentive reader will probably agree with Mr. Mitford in his construction of the passage, that the two talents were not the reward of the judge who should give the best opinion, but the subject of the dispute, and were to be adjudged to him who established his title to them by the best arguments."

In ancient Rome, the magistrates were wholly paid by the public; but Justinian allowed some magistrates of an inferior description to receive presents, which he limited to a certain amount, from the suitors before them.

"Montesquieu (*b*) observes, that 'in the early ages of the feudal law, when legal proceedings were short and simple, the lord defrayed the whole expense of the administration of justice in his court. In proportion as society became refined, a more complex administration of justice became necessary; and it was considered that not only the party who was cast, should, on account of his having instituted a bad cause, but that the successful party should, on account of the benefit which he had derived from the proceedings of the court, contribute, in some degree, to the expenses attending them; and that the public, on account of the general benefit which it derived from the administration of justice, should make up the deficiency.'

"To secure to the judges the proportion which the suitors were to contribute towards the expense of justice, it was provided, by an ordonnance of St. Louis, that at the commencement of a suit, each party should deposit in court the amount of one tenth part of the property in dispute: that the tenth deposited by the unsuccessful party should be paid over to the judges on their passing sentence; and that the tenth of the successful party should then be returned to him. This was varied by subsequent ordonnances. Insensibly it became a custom for the successful party to wait on the judges, after sentence was passed, and, as an acknowledgment of their attention to the cause, to present them with a box of sweetmeats, which was then called *épices*, or spices. By

(*b*) Esprit des Loix, L. xxviii. ch. 35.

degrees, this custom became a legal perquisite of the judges; and it was converted into a present of money, and required by the judges before the cause came to hearing: *Non deliberetur donec solventur species*, say some of the ancient registers of the parliaments of France. That practice was afterwards abolished; the amount of the épices was regulated; and, in many cases, the taking of them was absolutely forbidden. Speaking generally, they were not payable till final judgment; and if the matter were not heard in court, but referred to a judge for him to hear, and report to the court upon it, he was entitled to a proportion only of the épices, and the other judges were entitled to no part of them. Those among the magistrates who were most punctual and diligent in their attendance in court, and the discharge of their duty, had most causes referred to them, and were therefore richest in épices; but the superior amount of them, however it might prove their superior exertions, added little to their fortune, as it did not often exceed £50. and never £100. a year. The judges had some other perquisites, and also some remuneration from government; but the whole of the perquisites and remuneration of any judge, except those of the presidents, amounted to little more than the épices. The presidents of the parliament had a higher remuneration; but the price which they paid for their offices was proportionably higher, and the whole amount received by any judge for his épices, perquisites, and other remunerations, fell short of the interest of the money which he paid for the charge; so that it is generally true, that the French judges administered justice not only without salary, but even with some pecuniary loss. Their real remuneration was the rank and consideration which their office gave them in society, and the respect and regard of their fellow citizens. How well does this illustrate Montesquieu's aphorism,

that the principle of the French monarchy was honour! It may be truly said, that the world has not produced a more learned, enlightened, or honourable order in society, than the French magistracy.

"Englishmen are much scandalized, when they are informed that the French judges were personally solicited by the suitors in court, their families and protectors, and by any other person whom the suitors thought likely to influence the decision of the cause in their favour. But it all amounted to nothing:—to all these solicitations the judges listened with equal external reverence and internal indifference; and they availed themselves of the first moment when it could be done with decency, to bow the parties respectfully out of the room: it was a corvée on their time which they most bitterly lamented."

Bacon had scarcely been an hour appointed Lord Keeper when these presents of gold and of furniture, and of other costly articles, were showered upon him by various persons, and amongst others, by the suitors of the court. (*a*)

Immediately after his appointment as Lord Keeper, he waited upon the late Lord Chancellor, to acquit himself of the debt of personal gratitude (*b*) which he owed to that

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(*a*) This appears from the answers to the charges which, at the time when "greatness was the mark, and accusation the game," were made against Bacon.

The second article of the charge was: "In the same cause he received from Edward Egerton 400*l*." To which he answers: "I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the 400*l*. mentioned in the said charge was delivered unto me in a purse, and, as I now call to mind, from Mr. Edward Egerton, but as far as I can recollect, it was expressed by them that brought it to be for favours past, and not in respect of favours to come."

(*b*) Baconiana, p. 248.—In 14 Jac. he was constituted Lord Keeper of the Great Seal (7 Martii), being then fifty-four years of age. It is said in a libel (in which are many other notorious slanders), "that the Duke of

worthy person, and to acquaint him with his master's gracious intentions, to confer upon him the title of an earl, with a pension for life; an honour which, as he died on the

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Buckingham, to vex the very soul of the Lord Chancellor Egerton, in his last agony, did send Sir Francis Bacon to him for the seals; and likewise that the dying Chancellor did hate that Bacon should be his successor, and that his spirit not brooking this usage, he sent the seals by his servant to the King, and shortly after yielded his soul to his Maker." In which few words there are two palpable untruths. For first, the King himself sent for the seal, not the Duke of Buckingham; and he sent for it, not by Sir Francis Bacon, but by Secretary Winwood, with this message, that himself would be his under-keeper, and not dispose of the place of Chancellor while he lived; nor did any receive the seal out of the King's sight till the Lord Egerton died, which soon fell out. Next, the Lord Chancellor Egerton was willing that Master Attorney Bacon should be his successor, and ready to forward his succession; so far was he from conceiving hatred against him, either upon that or any other account. The Lord Egerton was his friend in the Queen's time; and I find Mr. Bacon making his acknowledgments in a letter to him, in these words, which I once transcribed from the unpublished original: "For my placing, your lordship best knoweth, that when I was most dejected with her majesty's strange dealing towards me, it pleased you of your singular favour so far to comfort and encourage me, as to hold me worthy to be excited to think of succeeding your lordship in your second place; signifying, in your plainness, that no man should better content yourself. Which your exceeding favour you have not since carried from; both in pleading the like signification into the hands of some of my best friends, and also in an honourable and answerable commendation of me to her majesty. Wherein I hope your lordship (if it please you call to mind) did find me neither overweening, in presuming too much upon it, nor much deceived in my opinion of the event for the continuing of it still in yourself, nor sleepy in doing some good offices to the same purpose." This favour of the Lord Egerton's, which began so early, continued to the last. And thus much Sir Francis Bacon testified in a letter to Sir George Villiers, of which this is a part: "My Lord Chancellor told me yesterday, in plain terms, that if the King would ask his opinion touching the person that he would commend to succeed him, upon death or disability, he would name me for the fittest man. You may advise whether use may not be made of this offer." And the like appears by what Master Attorney wrote to King James during the sickness of my Lord Chancellor. Amongst other things, he wrote this to the King: "It pleased my Lord Chancellor, out of his ancient and great love to me,

15th of the month, before the completion of the arrangements, was transferred to his son, who was created Earl of Bridgewater by the first patent to which the new Lord Keeper affixed the seal. (*a*)

On the 14th of March the King quitted England, to visit his native country; and Sir Francis had scarcely been a week raised to the office of Lord Keeper, when he was placed at the head of the council, and entrusted with the management of all public affairs. Scotland.

The King was accompanied by Buckingham, who, in his double capacity of Prime Minister and Master of the Revels, assisted with equal readiness at the discussions which were to direct the nation, and the pastimes contrived to amuse the King. Graceful in all exercises and a fine dancer, Buckingham brought that diversion into great request, while his associates willingly lent themselves to the devices which his better taste disdained; for James is said to have loved such representations and disguises as were witty and sudden, the more ridiculous the more pleasant. (*b*)

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which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which, during these three days, he hath scarcely done to any."

(*a*) See Life of Egerton, Biog. Brit. See Camden's Annals.

(*b*) "Our King dedicated this summer to the northern climate; it is now fourteen years revolution, since the beams of majesty appeared in Scotland. He begins his journey with the spring, warming the country as he went, with the glories of the court: taking such recreations by the way, as might best beguile the days, and cut them shorter, but lengthen the nights (contrary to the seasons). For what with hawking, hunting, and horse-racing, the days quickly ran away; and the nights with feasting, masking, and dancing, were the more extended. And the King had fit instruments for these sports about his person, as Sir George Goring, Sir Edward Zouch, Sir John Finnit, and others, that could fit and obtemperate the King's humour; for he loved such representations and disguises in their maskaradoes as were witty and sudden, the more ridiculous the more pleasant.

The policy of the favourite seems to be clear. He had endeavoured to prevent the King's visit; and, in surrounding his royal master with these buffooneries, he well knew that he should disgust the better part of the Scottish nobility, and keep aloof all those grave and wise counsellors, who could not recognize, under the disguise of a masquer, the learned pupil of Buchanan, and the ruler of two kingdoms.

"And his new favourite, being an excellent dancer, brought that pastime into the greater request. To speak of his advancement by degrees were to lessen the King's love; for titles were heaped upon him, they came rather like showers than drops; for as soon as Somerset declined, he mounted. Such is the court motion! Knighthood and gentleman of the bedchamber were the first sprinklings: and the then old Earl of Worcester (who had been long master of the horse to the late Queen, and continued it to this time) was made Lord Privy Seal, in exchange of his place, and a good sum of money put into the scale; and Sir George Villers (Baron of Whaddon, Viscount Villers, and Earl of Buckingham, also of the privy council) is made Master of the Horse. In this glory he visits Scotland with the King, and is made a privy counsellor there. Favourites are not complete figures, if the prince's bounty be not circular, as well in his northerly motion as his southerly. He now reigns sole monarch in the King's affection: every thing he doth is admired for the doer's sake. No man dances better, no man runs, or jumps better; and indeed he jumped higher than ever Englishman did in so short a time, from a private gentleman to a dukedom. But the King is not well without him, his company is his solace, and the court grandees cannot be well but by him, so that all addresses are made to him, either for place or office in court or commonwealth. The bishops' sees did also ebb and flow, from the wane or fulness of his influence upon them; and having a numerous kindred of the rank of gentry, which he planted about him, as a nursery in the court, to make them *virescere*, and spring up the better, the dew of these offices, and the fresh springs that came from those seas must be contributed. It cannot with modesty be expressed how greedily some of our prelates would clear all the passages of a bad conscience, to bring in such waters of comfort, lest it should bespatter the more worthy, and brand them all with simony, which dares not be done. But where God hath his church, the devil many times will have his chapel: it was ever his ambition to be like unto him."—Wilson.

Through the whole of this progress a constant communication was maintained between Buckingham and the Lord Keeper. (*a*)

On the 7th of May, being the first day of term, the Lord Keeper went in great state to Westminster, in the following order: Seat in Chancery.

1. Clerks and inferior officers in Chancery.
2. Students in law.
3. Gentlemen servants to the Keeper, serjeants at arms, and the seal-bearer, all on foot.
4. Himself, on horseback, in a gown of purple satin, between the Treasurer and the Keeper of the Privy Seal.
5. Earls, Barons, and Privy Councillors.
6. Noblemen of all ranks.
7. Judges, to whom the next place to the privy councillors was assigned.

In this pomp he entered the hall. (*b*) How different from the mode in which his successor took his seat! (*c*)

(*a*) Newark, 6th April, vol. xii. p. 315; Auckland, 18th April, vol. xii. p. 316; Newcastle, 23rd April, vol. xii. p. 317; Edinburgh, 3rd June, vol. xii. p. 318.

(*b*) G. Camdeni Regni Jacobi I. Annaluem Apparatus, Anno 1617, Maii 7.—Primo die termini Franciscus Baconus Custos Sigilli solenni Pompâ processit ad Practorium West-monasteriense hoc ordine. 1. Scribae et inferiores officiarii in Cancellariâ. 2. Studiosi juris. 3. Famuli generosi Custodis servientes ad arma et sigillifer pedibus. 4. Ipse in equo togâ ex purpurâ sattin inter Thesaurarium et Custodem Privati Sigilli. 5. Comites, barones, consiliarii privati. 6. Nobiles se interposuerunt. 7. Judices quibus locus assignatus erat proximus consiliariis privatis.

(*c*) The following is the account by Bishop Hacket, of Archbishop Williams, Lord Bacon's successor, taking his seat: "Upon the first day of term, when he was to take his place in court, he declined the attendance of his great friends, who offered, as the manner was, to bring him to his first sitting with the pomp of an inauguration. But he set out early in the

His address.

Upon the Lord Keeper's entrance, he in the presence of so many honourable witnesses,(*a*) addressed the bar, stating the nature of the charge which had been given to him by the King, when he was entrusted with the great seal, and the modes by which, under the protection of God, it was his intention to obey what he was pleased to call his majesty's righteous commandments.

Jurisdiction.

With respect to the *excess of jurisdiction*, or tumour of the court, which was the first admonition, the Lord Keeper dilated upon all the causes of excess, and concluded with an assurance of his temperate use of authority, and his conviction that the health of a court as well as of a body consisted in temperance.

Patents.

With respect to the cautious *sealing of patents*, which was the second admonition, the Lord Keeper having stated six principal cases in which this caution was peculiarly requisite, and to which he declared that his attention should be directed, thus concluded: "And your lordships

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morning with the company of the judges and some few more, and passing through the cloisters into the abbey, he carried them with him into the chapel of Henry the Seventh, when he prayed on his knees (silently, but very devoutly, as might be seen by his gesture,) almost a quarter of an hour: then, rising up cheerfully, he was conducted, with no other train, to a mighty confluence that expected him in the hall, whom, from the court of Chancery, he greeted with this speech," &c.—See note BBBB at the end.

In Walton's Life of Herbert, he says, "Herbert was presented by Dr. Davenant, Bishop of Salisbury, to the living of Bemerton in his thirty-sixth year. When at his induction, he was shut into Bemerton church, being left there alone to toll the bell (as the law requires him) he staid so much longer than an ordinary time, before he returned to those friends that staid expecting him at the church door, that his friend Mr. Woodnot looked in at the church window, and saw him lie prostrate on the ground before the altar; at which time and place (as he after told Mr. Woodnot) he set some rules to himself for the future manage of his life, and then and there made a vow to labour to keep them."

(*a*) Ante, p. cxc. For the speech, see vol. vii. p. 241.

see in this matter of the seal, and his majesty's royal commandment concerning the same, I mean to walk in the light, so that men may know where to find me; and this publishing thereof plainly, I hope will save the King from a great deal of abuse, and me from a great deal of envy; when men shall see that no particular turn or end leads me, but a general rule.

With respect to *speedy justice*, which was the third admonition, and upon which, in his essays on "Delay and Dispatch,"(*a*) it appears that he had maturely deliberated, he explained the nature of true and affected dispatch; and, having divided delays, into the delays of the judge and of the suitor, he said, "For myself, I am resolved that my decree shall come speedily, if not instantly after the hearing, and my signed decree speedily upon my decree pronounced. For fresh justice is the sweetest; and to the end that there be no delay of justice, nor any other means-making or labouring, but the labouring of the counsel at the bar. Delay.

"Again, because justice is a sacred thing, and the end for which I am called to this place, and therefore is my way to heaven; and if it be shorter, it is never a whit the worse, I shall, by the grace of God, as far as God will give me strength, add the afternoon to the forenoon, and some fourth night of the vacation to the term, for the expediting and clearing of the causes of the court; only the depth of the three long vacations I would reserve in some measure free from business of estate and for studies, arts, and sciences, to which in my own nature I am most inclined.

"There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of dispatch turn

(*a*) Vol. i. pp. 73 and 83.

utterly to delay at length: for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in Chancery; that he would make forty orders in a morning out of the way, and it was out of the way indeed; for it was nothing to the end of the business: and this is that which makes sixty, eighty, an hundred orders in a cause, to and fro, begetting one another; and, like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mould as may soonest bring the subject to the end of his journey."

And as to the delays of the suitor, he thus concluded: "By the grace of God, I will make injunctions but a hard pillow to sleepers; for if I find that he prosecutes not with effect, he may, perhaps, when he is awake, find not only his injunction dissolved, but his cause dismissed."

Expense. With respect to the last admonition, that justice should not be obstructed by unnecessary *expense*, he expressed his determination to diminish all expense, saying in substance what he had said in his essay on Judicature: (*a*) "The place of justice is an hallowed place, and therefore not only the bench, but the foot-pace, and precincts and purprise thereof ought to be preserved without scandal and corruption; for, certainly 'grapes (as the scripture saith) will not be gathered of thorns or thistles;' neither can justice yield her fruit with sweetness amongst the briars and brambles of catching and polling clerks and ministers; which justifies the common resemblance of the

(*a*) Vol. i. p. 179.

courts of justice to the bush, whereunto, while the sheep flies for defence in weather, he is sure to lose part of his fleece."

He concludes his address with some observations upon projected improvements in the practice of the court, and his intention to frame ordinances for its better regulation. "My lords," he added, "I have no more to say, but now I will go on to business."

Upon his retirement from the court he communicated to Buckingham, then at Edinburgh, an account of the day's proceedings, in a letter, saying, "Yesterday I took my place in Chancery, which I hold only from the King's grace and favour, and your constant friendship. There was much ado, and a great deal of world. But this matter of pomp, which is heaven to some men, is hell to me, or purgatory at least. It is true I was glad to see that the King's choice was so generally approved, and that I had so much interest in men's good wills and good opinions, because it maketh me the fitter instrument to do my master service, and my friend also.

"After I was set in Chancery, I published his majesty's charge, which he gave me when he gave me the seal, and what rules and resolutions I had taken for the fulfilling his commandments. I send your lordship a copy of that I said. (*a*) Men tell me, it hath done the King a great deal of honour; insomuch that some of my friends that are wise men and no vain ones, did not stick to say to me, that there was not these seven years such a preparation for a parliament; which was a commendation, I confess, pleased me well. I pray take some fit time to shew it his majesty, because, if I misunderstood him in any thing, I

(*a*) Stephens, p. 202. See vol. xii. p. 244; and, for the speech, vol. vii. p. 241.

may amend it, because I know his judgment is higher and deeper than mine."

The approbation of the King was immediately communicated by Buckingham. (*a*)

Spanish match.

Before the King's departure for Scotland he had appointed commissioners for managing the treaty of marriage between the Prince his son, and the Infanta of Spain. The Lord Keeper, who had too much wisdom not to perceive the misfortunes which would result from this union, prudently and honestly advised the King not to proceed with the treaty, (*b*) stating the difficulties which had already occurred from a disunited council; but the King fell into the snare which the politic Gondomar had prepared for him, and persisted to negociate an alliance, in opposition to his own interests, the advice of his ablest councillors, and the universal voice of his people. A more unequal game could not be played, than between the childish cunning of this blundering, obstinate, good-humoured king, and the diplomacy of the smooth, intellectual, determined Gondomar, graceful, supple, and fatal as a serpent.

Bacon, who was fully aware of the envy which pursued his advancement, was careful to transmit an exact account of his proceedings, and, in dispatches which appeared only to contain a narrative of passing events, conveyed to the King and his favourite many sound maxims of state policy. His royal master, who was not insensible of his services, greatly commended him, and Buckingham expressed his own admiration of the wisdom and prudence of his counsels.

This sunshine was, however, soon after clouded by a circumstance, which is worth noting only as it shows

(*a*) Vol. xiii. p. 10.

(*b*) Letter of 19th April, 1617, vol. xii. p. 243.

the temper of the times, and the miserable subjection in which the favourite held all persons, however eminent in talent or station. Sir Edward Coke, who had been disgraced the year before, unable to bear retirement, aggravated as it was, by the success of his rival, applied, during the King's absence, to Secretary Winwood, submissively desiring to be restored to favour; and he, who, in support of the law, had resisted the King to his face, and had rejected with scorn the proposal of an alliance with the family of Buckingham, now offered "to do any thing that was required of him," and to promote, upon their own terms, the marriage of his daughter with Sir John Villiers. Winwood, who, for party purposes, was supposed to enter officiously into this business, readily undertook the negociation. It was not attended with much difficulty: the young lady, beautiful and opulent, was instantly accepted. Marriage of Villiers.

Bacon, for many cogent reasons, which he fairly expressed both to the King (*a*) and to Buckingham, strongly opposed this match, displeasing to the political friends of Buckingham, and fraught with bitterness from the opposition of Lady Hatton, the young lady's mother, upon whom her fortune mainly depended. Bacon's dislike to Coke, and the possible consequences to himself from this alliance, were supposed by Buckingham to have influenced this unwise interference; which he resented, first by a cold silence, and afterwards by several haughty and bitter letters: and, so effectually excited the King's displeasure, that, on his return, he sharply reprimanded in the privy council those persons who had interfered in this business. Buckingham, who could shew his power, as well in allaying as in raising a storm, was soon ashamed of the King's violence, and seeing the ridicule

(*a*) See the letters, vol. xii. p. 324-7.

that must arise from his inflating a family quarrel int national grievance, interceded "on his knees"(*a*) Bacon. A reconciliation, of course, took place, but without disgrace to all the parties concerned; exhibit on the one part unbecoming violence, and on the other most abject servility. The marriage, which had oc sioned so much strife, was solemnized at the close of t month of September; and Sir Edward Coke was recali to the council table, where, after the death of Winwo he did not long keep his seat.

Finance. This storm having subsided, the Lord Keeper turned l attention to the subject of finance, and endeavoured bring the government expenses, now called the Civil li within the compass of the ordinary revenue; a measu more necessary, since there had never been any dispositi in parliament to be as liberal to James as to his illustrio predecessor.

The difficulties which the council met in the project retrenchments from the officers of state whose interests we affected, confirmed the remark of Cardinal Richlieu, "th the reformation of a king's household is a thing more t to be done than successfully attempted." This did not di courage the Lord Keeper, who went manfully to the work and wrote freely to Buckingham and to the King himsel upon the necessity both of striking at the root, and loppin off the branches; of considering whether Ireland,(*b*) instea of being a burthen to England, ought not, in a grea measure, to support itself; and of diminishing household expenses, and abridging pensions and gratuities.(*c*)

(*a*) See letter, vol. xii. p. 342. (*b*) See vol. xii. p. 267.

(*c*) To the King.

May it please your Majesty,—Being yesterday assembled in council t proceed in the course we had begun for retrenchment of your majesty's

Notwithstanding these efforts to retrench all unnecessary expenditure in the household, the pecuniary distresses of the King were so great, that expedients, from which he ought to have been protected by the Commons, were adopted, and the grant of patents and infliction of fines was made a profitable source of revenue: although Bacon had, upon the death of Salisbury, earnestly prayed the King "not to descend to any means, or degree of means,

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expenses, we thought it appurtenant to our duties to inform your majesty how far we have proceeded in the several heads of retrenchments by your majesty at your departure committed unto us, that when you know in what estate our labours are, your judgment may the better direct any further course, as shall be meet.

The matter of the household was by us, some days since, committed peremptorily to the officers of the house, as matter of commandment from your majesty, and of duty in them, to reduce the expense of your house to a limited charge of fifty thousand pounds by the year, besides the benefit of the compositions; and they have ever since painfully, as we are informed, travailed in it, and will be ready on Sunday next, which was the day given them, to present some models of retrenchments of divers kinds, all aiming at your majesty's service.

In the point of pensions we have made a beginning, by suspending some wholly for a time, and of others of a third part; in which course we are still going on, until we make it fit to be presented to your majesty; in like manner, the Lord Chamberlain and the Lord Hay did yesterday report unto us what their travail had ordered in the wardrobe; and although some doubt did arise unto us, whether your majesty's letters intended a stay of our labours, until you had made choice of the sub-committee intended by you, yet, presuming that such a course by sub-committee was purposed rather for a furtherance than let to that work, we did resolve to go on still, till your majesty's further directions shall come unto us; and then, according to our duty, we will proceed as we shall be by your majesty commanded; in the mean time, we thought it our duty to inform your majesty of what we have done, that neither your majesty may conceive that we have been negligent in those things which were committed unto us, nor your directions by your late letters hinder or cast back that which is already so far proceeded in. And so humbly kissing your royal hands, and praying to the Almighty for your long and happy reign over us, we rest, &c.

Dec. 5, 1617.—See vol. xiii. p. 12.

which cometh not of a symmetry with his majesty and greatness. (*a*)

While these exactions disclosed to the people the King's poverty, they could daily observe his profuse expenditure and lavish bounty to his favourite; recourse, therefore, was had to Buckingham by all suitors; but neither the distresses of the King, nor the power of the favourite deterred the Lord Keeper from staying grants and patents, when his public duty demanded this interposition: an interference which, if Buckingham really resented, he concealed his displeasure; as, so far from expressing himself with his usual haughtiness, he thanked his friend, telling him that he "desired nothing should pass the seal except what was just or convenient." (*b*)

Lord Chancellor, and Verulam.

On the 4th of January, 1618, the Lord Keeper was created Lord High Chancellor of England, and in July Baron of Verulam, to which, as stated in the preamble to the patent of nobility, witnessed by the Prince of Wales, Duke of Lenox, and many of the first nobility, the King was "moved by the grateful sense he had of the many faithful services rendered him by this worthy person." In the beginning of the same year the Earl of Buckingham was raised to the degree of Marquis.

Dulwich.

In August, 1618, the Lord Keeper, with a due sense of the laudable intentions of the founder, stayed a patent for the foundation of Dulwich College, from the conviction that education was the best charity, and would be best

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(*a*) See ante, p. clviii, note.

(*b*) "My honourable Lord,—I have received your lordship's letters, wherein I see the continuance of your love and respect to me, in any thing I write to you of, for which I give your lordship many thanks, desiring nothing for any man but what you shall find just and convenient to pass.

"Your Lordship's faithful servant, G. Buckingham."

Vol. xiii. p. 13.

promoted by the foundation of lectures in the university. This his favourite opinion, which he, when Solicitor General, had expressed in his tract upon Sutton's Hospital, (*a*) and renewed in his will, (*b*) was immediately communicated to Buckingham, (*c*) to whom he suggested that part of the founder's bounty ought to be appropriated to the advancement of learning.

Firm, however, as Bacon was with respect to patents, his wishes, as a politician, to relieve the distresses of the King, seem to have had some tendency to influence his mind as a judge. In one of his letters he expresses his anxiety to accelerate the prosecution, saying, "it might, if wind and weather permit, come to hearing in the term;" and in another he says, "the evidence went well, and I will not say I sometimes helped it as far as was fit for a judge." (*d*)

(*a*) Ante, p. cliii. (*b*) Ante, p. xiii.

(*c*) See note XOY at the end. See vol. xii. p. 259.

(*d*) The following are the letters, which must speak for themselves:

To the Marquis of Buckingham.

My very good Lord,—These things which I write now and heretofore in this cause, I do not write so as any can take knowledge that I write, but I dispatch things *ex officio* here, and yet think it fit inwardly to advertise the King what doth occur. And I do assure your lordship, that if I did serve any king whom I did not think far away wiser than myself, I would not write in the midst of business, but go on of myself.

This morning, notwithstanding my speech yesterday with the duke, he delivered this letter inclosed, and I having cleared the room of all save the court and learned counsel (whom I required to stay), the letter was read a little before our hour of sitting. When it was read, Mr. Attorney began to move that my lord should not acknowledge his offences as he conceived he had committed them, but as they were charged; and some of the lords speaking to that point, I thought fit to interrupt and divert that kind of question; and said, before we considered of the extent of my lord's submission we were first to consider of the extent of our own duty and power; for that I conceived it was neither fit for us to stay proceeding, nor to move his majesty in that which was before us in course of justice; unto

So true is it, as Bacon himself had taught, that a judge ought to be of a retired nature, and unconnected with

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which (being once propounded by me) all the lords and the rest *una voce* assented. I would not so much as ask the question whether, though we proceeded, I should send the letter to his majesty, because I would not straiten his majesty in any thing.

The evidence went well (I will not say I sometimes helped it as far as was fit for a judge), and at the arising of the court I moved the lords openly, whether they would not continue this cause from day to day till it were ended, which they thought not fit in regard of the general justice, which would be delayed in all courts: yet afterwards within I prevailed so far, as we have appointed to sit Wednesday, Thursday, and Friday, and to sit by eight of the clock, and so to dispatch it before the King come, if we can. God preserve and prosper you. I ever rest your Lordship's most obliged friend and faithful servant, FR. VERULAM, Canc.

This 22nd of October, Friday,
at 4 of the clock, 1619.

To the Marquis of Buckingham.

My very good Lord,—I think fit to let your lordship understand what passed yesterday in the Star-chamber touching Suffolk's business.

There came to me the clerk of the court in the inner chamber, and told me that my Lord of Suffolk desired to be heard by his council at the * sitting of the court, because it was pen * * * him.

I marvelled I heard not of it by Mr. Attorney, who should have let me know as much, that I might not be taken on the sudden in a cause of that weight. I called presently Mr. Attorney to me, and asked him whether he knew of the motion, and what it was, and how he was provided to answer it. He signified to me, that my lord would desire to have the commission for examinations in Ireland to be returnable in Michaelmas term. I said it might not be, and presently drew the council then present to me, and made Mr. Attorney repeat to them the passages past, and settled it, that the commission should be returnable the first day of the next term, and then republication granted, that it might, if accidents of wind and weather permit, come to hearing in the term. And upon motion in open court it was ordered accordingly.

God ever preserve and prosper you. I pray God this great easterly wind agree well with his majesty. Your Lordship's most obliged friend and faithful servant, FR. VERULAM, Canc.

May 6, 1619.

See also letter, October 14, 1619, vol. xiii. p. 19.

politics. So certain is the injury to the administration of justice, from the attempt to blend the irreconcileable characters of judge and politician; the judge unbending as the oak, the politician pliant as the osier: (*a*) the judge firm and constant, the same to all men; the politician, ever varying,

" Orpheus in sylvis, inter delphinas Arion:"

It was, about this time, discovered that several Dutch merchants of great opulence had exported gold and silver to the amount of some millions. (*b*) There are various letters extant upon this subject, exhibiting the King's pecuniary distresses, his rash facility in making promises, and the discontent felt by the people at his improvidence, and partiality for his own countrymen.

(*a*) See Advancement of Learning, vol. ii. p. 33, for instances of this sort of compliance.

(*b*) " My very good Lord,—The discovery I think very happy: for if it be true, it will be a great benefit to his majesty; it will also content his people much, and it will demonstrate also that Scotland is not the leech (as some discoursers say) but the Netherlanders that suck the realm of treasure: so that the thing is very good. But two things I must represent to his majesty: the first, that if I stay merchants from their trading by this writ, I must do it either *ex officio*, or by special warrant from his majesty. If *ex officio*, then I must have more than a bare surmise to grant the writ upon, so as I must be acquainted with the grounds, or at least appearance of proofs. If by special warrant, then I desire to receive the same. The other is, that I humbly beseech his majesty that these royal boughs of forfeiture may not be vintaged, or cropped by private suitors (considering his majesty's state as it is), but that Sir Thomas Vavasor or Sir John Britten may have a bountiful and gracious reward of their discovery, but not the prime, or without stint. In sum, I would wish his majesty to refer the whole business and carriage of the same for his honour and profit to the commissioners of treasure, or because it is a legal forfeiture to myself, Mr. Chancellor, Sir Edward Coke, and my Lord Chief Justice of England, and by us his majesty shall be

Though evidently rejoicing at this windfall for his royal master, (*a*) Bacon, regardless of the importunities of the Attorney General, refused to issue writs of *ne exeat* against the merchants till he had obtained evidence to warrant his interposition, and cautioned his majesty against granting the forfeitures accruing from this discovery. (*b*) He entreated that a commission might be formed, empowering Sir E. Coke, the Chancellor of the Exchequer, the Lord Chief Justice, and himself, to investigate this matter. These observations were well received, and immediately adopted by the King; and, although informations were filed against a hundred and eighty, only twenty of the principal merchants were tried and convicted. They were fined to the amount of £100,000, which, by the intercession of Buckingham, was afterwards remitted to about £30,000. (*c*) The rest of the prosecutions were stayed at his instance, intercession having been made to him by letters from the States General, and probably by the merchants themselves in the way in which he was usually approached by applicants.

While this cause was pending, the Earl of Suffolk, Lord Treasurer, was prosecuted, with his lady, in the Star Chamber, for trafficking with the public money to the amount of £50,000; and they were sentenced to imprisonment and fine, not, according to the judgment of Sir Edward Coke, of £100,000, but of £30,000. Bacon commended Coke to the King, as having done his part

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assured to know the best course for his justice, honour, and profit, and that he may dispose what bounty he will.

See also vol. xii. pp. 263, 265, 374.

(*a*) See letter of October 14, 1619, vol. xiii. p. 19.

(*b*) See note (*a*), ante, p. ccxxiv.

(*c*) Stephens, p. xlvii.

excellently,(*a*) but pursued his own constant course, activity in detecting the offence, and moderation in punishing the offender. After a short confinement they were released at the intercession of Buckingham, and the fine reduced to £7000.

The motives by which Buckingham was influenced in this and similar remissions may possibly be collected from his conduct in the advancement of Lord Chief Justice Montagu, who, for a sum of £20,000, was appointed to the Treasurership, vacated by the removal of Lord Suffolk, and was created a peer; for which offence this dispenser of the King's favours was, in the reign of Charles the First, impeached by the Commons, but he, after the death of Bacon and of the King, solemnly denied the accusation, by protesting "that the sum was a voluntary loan to the King by the Lord Treasurer after his promotion, and not an advance to obtain the appointment." (*b*)

(*a*) See letter of 13th November, 1619, vol. xii. p. 77.

(*b*) Let the letters upon this transaction, of which the originals are in the Tanners MSS. in Oxford, speak for themselves: they have not hitherto been printed.

"My good Lord,—If rumour carry me into error, yet I beseech you lett secresy cover my error, non living knowes what I write, nor I hope shall, yf that I write shall not please you. What ground it hath I know not, nor whence the opinion ryseth, but bothe in court and abroade it is strongly conceyted, talked, and told me, as yf the King hadde purpose to make me L. Treasorer. Your lordship best knowes the King's purposes. Yf my service should be thought of use to make him a ritche king, as in all things els he is a happy king, I would be content to sacrifice my lyfe, my labour, and all my fortunes to do him that office. And for my obligation to you I would leave the earnest of ten thousand pounds, to bestow where and when you shall appoint.

"This proceedes not of baseness to buy that which otherwise I were not worthy of, nor of pryde to be made better then I am, but sincerely to shew how mutch I zeale my master's good; and God assistinge, I would not feare to effect what it seemes the world thinks I could and might performe. My second ends ar to shew how mutch and how truly I am yours, and would be while I live.

Such were the occupations to which this philosopher was doomed; occupations which, even as Chancellor, he

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" Yf all this be but the vapour of sum men's fancys yt will quickly spend itself, yf it be a thing worth your thought I am at your dispose.

" To-morrow morninge I am commanded to attend the King about matters of his revenue. In the mean time and so always I shall rest

" Your Lordship's obliged servant, H. MOUNTAGU.

" 3. Jan. 1618.

" To the right honorable and my most honored lord, the Marquess of Buckingham, these."

Tanners MSS. Oxford, 74, f. 233.

" My honored Lord,—I have ever observed that those whoe with ingenuity and industry have acquired a fortune sildome part with it, but upon stricte conditions. Yet soe happy doth my Lord Cheefe Justice thinke himself in the promised assurance of your love, and such is his confidence of the King's favor, having your lordship to frend, as that it drawes him to cast his fortunes at his majestie's feete, and to bee disposed of by your lordship, being confident that you will waye and measure him by that which may stand well with his estate: if his majestie will require of him twenty thousand ould peeces he yeelds to it, and desires not to be pressed further. Of this wound he hopes he may in time, with your favor recover, therfore is well content to languish of this disease a while, in obedience (as he himselfe cals it) to his royall master his will.

" He is willing to pay this sum hee offers by ten thousand peeces at a time, the first payment to be made presently, and the laste when his majestie takes his jurnye, contenting himselfe with the honor of a Viscount untill the King shall thinke fit to confer more honor upon him.

" The terme ends on Tuesday come sevennight. The Treasorer is to be sworne in the Chancery and in the Exchequer courts; therfore it will be requisite if your lordship make good your promise for his having the place before Christmas, that my Lord Cheefe Justice be sent for presently to come to the King. For the office requires no other ceremony but delyvery of the staffe by the King's hand; and direction would be sent for drawing his patent of honor, and that other concerning his office, and the resolution and direction would be expedited. If this satisfy not his majestie, his resolution to cast himselfe at his majestie's feete, and bee directed by your lordship, wil give the King and your lordship advantage to dispose of him; ffor I find him more inclining to his Majestie's pleasure then his owne ends.

regretted, saying, most truly, "I know these things do not pertain to me; for my part is to acquit the King's office

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"Thus hoping I have given your lordship a good account of what you gave me in charge, I kiss your hands, and rest

"Your Lordship's servant, and affectionate brother, ED. VILLIERS.

"November the 17th, 1620.

"To the Right Honorable my very good lord and brother, the Marquess of Buckingham, these."

Tanners MSS. No. 290, f. 31.

"Sir Edward,—I have written a short letter to my lorde, for that I holde necessary for mē to do. And I have named twenty thousand poundes to him. Wherfore I praye yow putt out the worde peeces in your letter, and put it downe poundes, for I am resolved not to exceede it. The payment shall be at my lord's appointment; but for divers reasons, I thought both before and senc that I spake with you, I had rather com of ffaire then com higher then twenty thousand poundes, though it may be thought little, the greater som consider'd.

"For the Kinge's speedy sendinge for me before the tearme end, I have senc thought of yt, and findinge it not to be of necessity duringe the tearme, and that conveniently I canot go downe, and some tearme businesses require dispatch at my handes, therfor I think best that be lefte out of the letter, and mention only to be made of givinge order for the two patents I spake of, yf the Kinge be pleased with it. Thus with my true love remembred, I rest your assured, H. MOUNTAGU.

"I have sent you my letter unsealed, that you may see yt, and then seale it upp."

This letter is without direction, but on the back is written in Sir Edward Villiers' hand:

"This note I received from my Lord Cheefe Justice since I wrote my letter according to his owne direction."

Tanners MSS. No. 114, f. 186.

"My most honored Lord,—Such is the value of that worde where you please to say you joyne handes with me in the point of contract, that it overswaies in me all other thoughts that otherwise have reflection uppon me. This respect and those perswasions of Sir Ed. Villiers have made me yealding to twenty thousand poundes: my estate, God be thanked, is worth that and twenty thousand more, yet hadd I rather yealde yt all then to refuse the King in any thinge he pleaseth to demaund, or think me fitt for,

towards God, in the maintenance of the prerogative, and

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and senc your nobleness hath pleased to price my true, sincere, and constant affection at such a rate as I perceive you have done, holde me the unworthiest that ever was yf I bee ever wantinge, false, or fainte, in that I have professed. It overjoyes me to finde that the merrit and memory of my brother Winchester still lives with your lordship, but not to troble you with many wordes or more professions,

"I rest assuredly at your honor's command, H. MOUNTAGU.

"18 Nov. 1620.

"To the right honorable my singular good Lord, the Lord Marques Buckingham, Lord High Admirall of England."

On the 3rd of Dec. 1620, Lord Chief Justice Montagu was appointed Lord Treasurer.* In June, 1626, after the death of Bacon and of King James, Buckingham was impeached by the Commons upon many charges, of which the tenth was, "Whereas no places of judicature in the courts of justice of our sovereign lord the King, nor other like preferments given by the kings of this realm ought to be procured by any subjects whatsoever for any reward, bribe, or gifts; he the said duke in or about the month of December, in the eighteenth year of the reign of the late King James of famous memory, did procure of the said king the office of High Treasurer of England to the Lord Viscount M. now Earl of M.; which office, at his procurement, was given and granted accordingly to the Lord Viscount M. And as a reward for the said procurement of the said grant, he the said duke did then receive to his own use of and from the said Lord Viscount M. the sum of £20,000 of lawful money of England."—Rushworth, i. 334. See Cobbett's Parliamentary History, i. 115.

To this charge the duke answered, "That he received not, or had a penny of either of those sums to his own use; but the truth is, the Lord M. was made Lord Treasurer by his late majesty without contracting for any thing for it; and after that he had the office conferred upon him, his late majesty moved him to lend him twenty thousand pounds, upon promise of repayment at the end of a year; the Lord M. yielded it, so as he might have the duke's word that it should be repaid to him accordingly. The duke gave his word for it, the Lord M. relied upon it, and delivered the said sum to the hands of Mr. Porter, then attending upon the duke, by the late king's appointment, to be disposed of as his majesty should direct. And according to the King's direction, that very money was fully

* Dugdale's Baronage, ii. 280.

to oblige the hearts of the people to him by the administration of justice." (*a*)

From these political expedients he turned to his more interesting judicial duties. How strenuously he exerted himself in the discharge of them may be seen in his honest exultation to Buckingham, and may be easily conceived by those who know how indefatigable genius is in Judicial exertions

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paid out to others, and the duke neither had nor disposed of a penny thereof to his own use, as is suggested against him. And afterwards, when the Lord M. left that place, and his money was not repaid unto him, he urged the duke upon his promise; whereupon the duke being jealous of his honour, and to keep his word, not having money to repay him, he assured lands of his own to the Lord M. for his security. But when the duke was in Spain, the Lord M. obtained a promise from his late majesty of some lands in fee farm, to such a value as he accepted of the same in satisfaction of the said money, which were afterward passed unto him; and at the duke's return the Lord M. delivered back unto him the security of the duke's lands, which had been given unto him as aforesaid."

Rushworth, i. 387. See Cobbett.

(*a*) See his letter to the Earl of Buckingham, of November 19, 1617, vol. xii. p. 252. "My very good Lord,—The liking which his majesty hath of our proceeding, concerning his household, telleth me that his majesty cannot but dislike the declining and tergiversation of the inferior officers, which by this time he understandeth. There be but four kinds of retrenchments: 1. The union of tables. 2. The putting down of tables. 3. The abatement of dishes to tables. 4. The cutting off new diets and allowance lately raised: and yet perhaps such as are more necessary than some of the old. In my opinion the first is the best and most feasible. The Lord Chamberlain's table is the principal table of state. The Lord Steward's table I think is much frequented by Scottish gentlemen. Your lordship's table hath a great attendance; and the groom of the stole's table is much resorted to by the bedchamber. These would not be touched; but for the rest (his majesty's case considered) I think they may well be united into one. These things are out of my element, but my care runneth where the King's state most laboureth: Sir Lionel Cranfield is yet sick, for which I am very sorry; for methinks his majesty upon these tossings over of his business from one to others hath an apt occasion to go on with subcommittees. God ever preserve and prosper you. Your Lordship's true friend and devoted servant."

any business in which it is interested: (*a*) how ardent and strenuous it is in encountering and subduing all difficulties to which it is opposed. (*a*)

In a letter to Buckingham of the 8th of June, 1617, he says, (*b*) "This day I have made even with the business of the kingdom for common justice; not one cause unheard; the lawyers drawn dry of all the motions they were to make; not one petition unanswered. And this, I think, could not be said in our age before. This I speak, not out of ostentation, but out of gladness, when I have done my duty. I know men think I cannot continue if I should thus oppress myself with business: but that account is made. The duties of life are more than life; and if I die now, I shall die before the world be weary of me, which in our times is somewhat rare." And in two other letters he, from the same cause, expresses the same joy. (*c*)

These exertions did not secure him from the interference of Buckingham, or protect him, as they have never protected any judge, from misrepresentation and calumny; but, unmoved by friendship or by slander, he went right onward in his course. He acted as he taught, from the

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(*a*) See vol. ii. p. 21, Advancement of Learning.

(*b*) See vol. xii. p. 348.

(*c*) In a letter of Dec. 6, 1617, vol. xii. p. 339, he says, "Your lordship may marvel, that together with the letter from the board, which you see passed so well, there came no particular letter from myself; wherein, though it be true, that now this very evening I have made even with the causes of Chancery, and comparing with the causes heard by my lord, that dead is, of Michaelmas term was twelvemonth, I find them to be double so many and one more; besides that the causes that I dispatch do seldom turn upon me again, as his many times did."—And in a letter of May 17, 1619, vol. xiii. p. 17, he says, "I send now to know how his majesty doth after his remove, and to give you account that yesterday was a day of motions in the Chancery. This day was a day of motions in the Star Chamber, and it was my hap to clear the bar, that no man was left to move any thing, which my lords were pleased to note they never saw before."

conviction that "a popular judge is a deformed thing: and plaudits are fitter for players than magistrates. Do good to the people, love them, and give them justice, but let it be 'nihil inde expectantes:' looking for nothing, neither praise nor profit." (*a*)

Buckingham's interference.

Notwithstanding Bacon's warning to Buckingham, that he ought not, as a statesman, to interfere, either by word or letter, in any cause depending, or like to be depending in any court of justice, (*b*) the temptations to Buckingham were, it seems, too powerful to induce him to attend to this admonition, in resistance of a custom so long established and so deeply seated, that the applications were, as a matter of course, made to statesmen and to judges, by the most respectable members of the community, and by the two universities. (*c*)

Early in March Sir Francis was appointed Lord Keeper, and, on the 4th of April, Buckingham thus wrote: "My honourable Lord,—Whereas the late Lord Chancellor thought it fit to dismiss out of the Chancery a cause touching Henry Skipwith to the common law, where he desireth it should be decided; these are to intreat your lordship in the gentleman's favour, that if the adverse party shall attempt to bring it now back again into your lordship's court, you would not retain it there, but let it rest in the place where now it is, that without more vexation unto him in posting him from one to another, he may have a final hearing and determination thereof. And so I rest your Lordship's ever at command, G. BUCKINGHAM.

"My Lord, this is a business wherein I spake to my Lord Chancellor, whereupon he dismissed the suit." (*d*)

(*a*) Speech to the Judges before the circuit, vol. vii. p. 258.

(*b*) See ante, p. clxxvi.

(*c*) See note Z Z at the end.

(*d*) This is the first of many letters which the Marquis of Buckingham

Scarcely a week passed without a repetition of these solicitations. (*a*)

Wraynham.

When Sir Francis was first entrusted with the great seal, he found a cause entitled Fisher *v.* Wraynham, which had been in the court from the year 1606. He immediately examined the proceedings, and, having ordered the attendance of the parties, and heard the arguments of counsel, he terminated this tedious suit, by decreeing against the defendant Wraynham, who was a man described as holding a smooth pen and a fine speech, but a fiery spirit. He immediately published a libel against the Chancellor and the late Master of the Rolls: for which he was prosecuted in the Star Chamber. (*b*)

Sir Henry Yelverton, in stating the case, said, "I was of counsel with Mr. Wraynham, and pressed his cause as far as equity would suffer. But this gentleman being of an unquiet spirit, after a secret murmuring, breaks out into a complaint to his majesty, and, not staying his return out of Scotland, but fancying to himself, as if he saw some cloud arising over my lord, compiled his undigested thoughts into a libel, and fastens it on the King. And his most princely majesty, finding it stuffed with most bitter reviling speeches against so great and worthy a judge,

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wrote to Lord Bacon in favour of persons who had cases depending in, or likely to come into the court of Chancery. The marquis made the same kind of applications to Lord Bacon's successor, the Lord Keeper Williams, in whose life by Bishop Hacket, part i. p. 107, we are informed, that "there was not a cause of moment, but, as soon as it came to publication, one of the parties brought letters from this mighty peer, and the Lord Keeper's patron."—See note Z Z at the end. See this letter, vol. xii. p. 314.

(*a*) See a collection of some of these letters in note Z Z at the end.

(*b*) State Trials. See a tract, published 1725, entitled, Vindication of the Chancellor from the aspersions of Wraynham. See Hobart's Reports, p. 220, and Popham, p. 135.

hath of himself commanded me this day to set forth and manifest his fault unto your lordships, that so he might receive deserved punishment. In this pamphlet Mr. Wraynham saith, he had two decrees in the first Lord Chancellor's time, and yet are both cancelled by this Lord Chancellor in a preposterous manner: without cause; without matter; without any legal proceedings; without precedent, upon the party's bare suggestions, and without calling Mr. Wraynham to answer: to reward Fisher's fraud and perjuries; to palliate his unjust proceedings; and to confound Wraynham's estate: and that my lord was therein led by the rule of his own fancy. But he stayeth not here. Not content to scandalize the living, he vilifies the dead, the Master of the Rolls, a man of great understanding, great pains, great experience, great dexterity, and of great integrity; yet, because he followed not this man's humour in the report thereof, he brands him with aspersions."

And Mr. Serjeant Crowe, who was also counsel for the prosecution, said, "Mr. Wraynham, thus to traduce my lord, is a foul offence; you cannot traduce him of corruption, for thanks be to God, he hath always despised riches, and set honour and justice before his eyes. My lords, I was of counsel with Fisher, and I knew the merits of the cause, for my Lord Chancellor seeing what recompense Fisher ought in justice to have received, and finding a disability in Wraynham to perform it, was enforced to take the land from Wraynham to give it to Fisher, which is hardly of value to satisfy Fisher's true debt and damages."

Wraynham was convicted by the unanimous opinion of the court;(a) and the Archbishop of Canterbury, in

(a) Consisting of Sir Edward Coke, the Chancellor of the Exchequer, the Lord Chancellor Bacon, the Lord Chief Justices of the King's Bench,

delivering his judgment, said, "The fountain of wisdom, hath set this glorious work of the world in the order and beauty wherein it stands, and hath appointed princes, magistrates, and judges, to hear the causes of the people. It is fitting, therefore, to protect them from the slanders of wicked men, that shall speak evil of magistrates and men in authority, blaspheming them. And therefore, since Wraynham hath blasphemed and spoken evil, and slandered a chief magistrate, it remaineth, that in honour to God, and in duty to the king and kingdom, he should receive severe punishment."(*a*)

Common Pleas, and Exchequer, the Secretary of State, and other statesmen; of the Bishops of Ely and London, and the Archbishop of Canterbury.

(*a*) See in Hooker the following noble passage: "Since the time that God did first proclaim the edicts of his law upon the world, heaven and earth have hearkened unto his voice, and their labour hath been to do his will. He made a law for the rain; he gave his decree unto the sea, that the waters should not pass his commandment. Now, if nature should intermit her course, and leave altogether, though it were for a while, the observation of her own laws: if those principal and mother elements of the world, whereof all things in this lower world are made, should lose the qualities which now they have; if the frame of that heavenly arch erected over our heads should loosen and dissolve itself; if celestial spheres should forget their wonted motions, and by irregular volubility turn themselves any way as it might happen; if the prince of the lights of heaven, which now, as a giant, doth run his unwearied course, should as it were, through a languishing faintness, begin to stand, and to rest himself; if the moon should wander from her beaten way, the times and seasons of the year blend themselves by disordered and confused mixture, the winds breathe out their last gasp, the clouds yield no rain, the earth be defeated of heavenly influence, the fruits of the earth pine away, as children at the withered breasts of their mother, no longer able to yield them relief; what would become of man himself, whom these things do now all serve? See we not plainly, that obedience of creatures unto the law of nature is the stay of the whole world?

"Of law there can be no less acknowledged than that her seat is the bosom of God; her voice the harmony of the world: all things in heaven and earth do her homage; the very least as feeling her care, and the greatest

According to the custom of the times, a suit of hangings for furniture, worth about £160, was presented to the Lord Chancellor, on behalf of Fisher, by Mr. Shute, who, with Sir Henry Yelverton, was one of his counsel in the cause. (*a*)

This present was not peculiar to the cause of Wraynham and Fisher, but presents on behalf of the respective suitors were publicly made by the counsel in the cause, and were offered by the most virtuous members of the community, without their having, or being supposed to have any influence upon the judgment of the court.

Egerton and Egerton.

In the cause of Rowland Egerton and Edward Egerton £400 was presented before the award was made, on behalf of Edward, by the counsel in the cause, Sir Richard Young and Sir George Hastings, who was also a member of the House of Commons, but the Lord Keeper decided against him: (*b*) and £300 was presented on behalf of Rowland,

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as not exempted from her power. Both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy."

(*a*) This appears in the charge of bribery, afterwards preferred against the Chancellor.—To the eighth article of the charge, "In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received a suit of hangings worth one hundred and threescore pounds and better, which Fisher gave him by advice of Mr. Shute:" I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others, that were no ways suitors, did present me with the like about that time.

(*b*) The second article of the charge, namely, "In the same cause he received from Edward Egerton £400:" I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the £400 mentioned in the said charge, was delivered unto me in a purse, and, as I now call to mind, from Mr. Edward Egerton; but as far as I can recollect, it was expressed by them that brought it to be for favours past, and not in respect of favours to come.

after the award was made in his favour by the Chancellor and Lord Hobart;(a) and in the cause of Awbrey and Bronker £100 was presented on behalf of Awbrey, before the decree, by his counsel, Sir George Hastings, and a severe decree was made against Awbrey.(b)

Awbrey and Bronker.

Grocers and Apothecaries.

In a reference between the company of Grocers and Apothecaries, the Grocers presented £200, and the Apothecaries a taster of gold, and a present of ambergris.(c)

(a) To the first article of the charge, namely, "In the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received £300 on the part of Sir Rowland Egerton, before he had decreed the cause:" I do confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Edward Egerton, both parties submitted themselves to my award by recognizances reciprocal in ten thousand marks apiece; thereupon, after divers hearings, I made my award with the advice and consent of my Lord Hobart; the award was perfected and published to the parties, which was in February. Then some days after, the £300, mentioned in the charge, was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then in Midsummer term following a suit was begun in Chancery by Sir Rowland to have the award confirmed, and upon that suit was the decree made mentioned in the article.

(b) To the sixteenth article of the charge, namely, "In a cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey £100:" I do confess and declare that the sum was given and received, but the manner of it I leave to witnesses.—See in note GGG the proceedings of 17th March, where it appears that "a killing order was made against Awbrey."

(c) To the twenty-fourth, twenty-fifth, twenty-sixth articles of the charge, namely, the twenty-fourth, "There being a reference from his majesty to his lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the Grocers £200." The twenty-fifth article, "In the same cause, he received of the Apothecaries, that stood with the Grocers, a taster of gold worth between £400 and £500, and a present of ambergrease." And the twenty-sixth article, "He received of a new company of Apothecaries, that stood against the Grocers, £100:" To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord of composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive

In the cause of Hody and Hody, which was for a great inheritance, a present of gold buttons, worth about £50, was given by Sir Thomas Perrot, one of the counsel in the cause, (*a*) after the suit was ended. Hody and Hody.

This slander of Wraynham's was not the only evil to which he was exposed.

On the 12th of November, 1616, John Bertram, a suitor in Chancery, being displeased with a report made by Sir John Tindal, one of the masters of the court, shot him dead as he was alighting from his carriage, and, upon his committal to prison, he destroyed himself. An account of this murder was published under the superintendence of Sir Francis, to counteract the erroneous opinions which had been circulated through the country, and the false commiseration which the misery of this wretched offender had excited, (*b*) in times, when the community was alive to hear any slander against the administration of justice. Lord Clifton.

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that which they voluntarily presented; for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to account to the three several companies.

(*a*) The article of the charge, namely, "In the cause between Hody and Hody, he received a dozen of buttons value £50, about a fortnight after the cause was ended:" I confess and declare, that as it is laid in the charge, about a fortnight after the cause was ended, it being a suit for a great inheritance, there was gold buttons about the value of £50, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perrott and the party himself.

(*b*) In a letter to the King, dated 21st November, at ten at night, 1616, vol. xii. p. 311, he says, "For this wretched murderer Bertram, now gone to his place, I have, perceiving your majesty's good liking of what I propounded, taken order that there shall be a declaration concerning the cause in the King's Bench, by occasion of punishment of the offence of his keeper; and another in Chancery, upon the occasion of moving for an order, according to his just and righteous report. And yet withal, I have set on work a good pen* (and myself will overlook it) for making some little pamphlet fit to fly abroad in the country."

* Birch, p. 104, says it was Mr. Trott.

When the morbid feeling of insane minds is awakened, there is always some chance of a repetition of its out-

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The tract, containing some miserable wood-cuts of the murder, and of the murderer hanging against the wall, is entitled, "A true Relation of a most desperate Murder, committed upon the Body of Sir John Tindall, Knighte, one of the Maisters of the Chancery, who with a pistoll charged with 3 bulletts, was slaine going into his chamber within Lincolnes Inne, the 12 day of November, by one John Bartram, Gent. which Bartram afterwards hanged himselfe in the Kinges-Bench in Southewark, on Sunday, being the 17th day following, 1616."—It contains the following passage: "Two several daies (with two or three keepers at least waiting on him,) was he sent for by the judges to be examined. At the first going, he was called to the barre, and an inditement read to him for the murther aforesaid, to which he pleaded not guilty. At his passing along the streets, his presence so full of age, and his face so full of sorrowes, together with the rumour of his wrongfull undoing, which quickly spread it selfe amongst the people, moved them to such commiseration, that they shed tears to see what misery he was falne into; they prayed for him, and cursed the other. Upon the Saturday, before the Sunday in the which he cast away himselfe, did he thus goe abroad, and returning about foure of the clocke in the evening, with a slowe and dull pace, fitting to his yeeres. He seemed in his chamber rather vexed than dejected. His thoughts appeared and made shew, to be troubled than tormented. And rather because hee did expect within a day or two at the most, to be fetched to his tryall: and the next day after to be sent to execution. Which as some say, hee fearing that it should have beene to hang alive in chaynes, strucke so strong impression unto him, that to avoid that shame, and that torture, he purposed to lay violent hands upon himselfe, if he could meet opportunity."

Annexed to the tract is another tract, entitled, "A true Relation of the Ground, Occasion, and Circumstances, of that horrible Murther committed by John Bartram, Gent. upon the body of Sir John Tyndal, of Lincolns Inne, Knight, one of the Masters of the Honorable Court of Chancery, the twelfth day of this instant Novemb. Written by way of Letter from a Gentleman to his Country friend. Together with the Examination of the said Bartram, taken before the right Honourable Sir Fra. Bacon, Knight, his Maiesties Atturney Generall, and Sir Henry Yelverton, Knight, his Maiesties Solliciter General, according to speciall directions given by his Maiestie in that behalfe. London, printed by John Beale. 1616."—As John Beale printed for Bacon, it is probable that it was under his superintendence.

rages. (*a*) Towards the end of the year the Lord Keeper was in danger of sharing the fate of Sir John Tindal, from the vindictive temper of Lord Clifton, against whom a decree had been made, who declared publicly that "he was sorry he had not stabbed the Lord Keeper in his chair the moment he pronounced judgment." (*b*) As soon as this misguided suitor, who afterwards destroyed himself, was committed to the Tower, Bacon wrote to Buckingham, saying, "I pray your lordship in humbleness to let his majesty know that I little fear the Lord Clifton, but I much fear the example, that it will animate ruffians and *rodomonti* extremely against the seats of justice, which are his majesty's own seats, yea, and against all authority and greatness, if this pass without public censure and example, it having gone already so far as that the person of a baron hath been committed to the Tower. The punishment it may please his majesty to remit, and I shall, not formally but heartily, intercede for him, but an example, setting myself aside, I wish for terror of persons that may be more dangerous than he, towards the first judge of the kingdom." (*b*)

At the conclusion is a third tract, entitled, "The Examination of John Bartram, taken this 16 day of November, 1616, before Sir Francis Bacon, his Maiesties Atturney Generall, and Sir Henry Yelverton, his Maiesties Solicitor Generall. London, printed by John Beale, 1616."

(*a*) See note X O U at the end.

(*b*) See letter of March 17, 1617, vol. xii. p. 257; and in another letter, vol. xii. p. 255, he says, "If his majesty at any time ask touching the Lord Clifton's business, I pray your lordship represent to his majesty thus much, that whatsoever hath passed I thank God I neither fear him nor hate him; but I am wonderful careful of the seat of justice, that they may still be well munited, being principal sinews of his majesty's authority. Therefore the course will be (as I am advised) that for this heinous misprision (that the party without all colour or shadow of cause should threaten the life of his judge, and of the highest judge in the kingdom next his majesty) he be first examined, and if he confess it, then an *ore tenus;* if he

Not content with discharging the common duties of a judge, he laboured, whenever an opportunity offered, to improve the administration of justice.

Law Reporters.

He carried into effect the proposal, which, when Attorney General, he had submitted to the King, that two legal reporters, with an annual stipend to each of £100, should be appointed. (*a*)—He realized the intention, which he expressed upon taking his seat, (*b*) by issuing ordinances for the better administration of justice in the Chancery, upon which the practice of the court at this day is founded. (*c*)

Ordinances in Chancery.

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confess it not, then an information in the Star chamber, and he to remain where he is till the hearing. But I do purposely forbear yet to have him examined till the decree or agreement between him and my Lord Aubigny (which is now ready) be perfected, lest it should seem an oppression by the terror of the one to beat him down in the other. Thus I ever rest your Lordship's true friend and devoted servant, Fr. Bacon, Canc."

(*a*) See his proposal for amending the laws, vol. v. p. 349. "It resteth but for your majesty to appoint some grave and sound lawyers, with some honourable stipend."

In Rymer's Fœdera, vol. xvii. p. 27, may be found "Ordinatio quæ constituantur les Reporters de Lege." It is directed to Sir Francis Bacon and to Sir Julius Cæsar. After stating the King's anxiety to preserve the ancient law, and to prevent innovations, it has been thought good to revive and renew the ancient custom, to appoint some grave and learned lawyers as reporters, &c.

In a letter to Buckingham of October 16, 1617, vol. xii. p. 334, he says, "I send also two bills for letters patents to the two reporters; and for the persons, I send also four names, with my commendations of those two, for which I will answer upon my knowledge. The names must be filled in the blanks, and so they are to be returned."

What might be the advantages of these appointments during the reign of James, it may perhaps be unnecessary to inquire. In the present times, when there is a liberty of unlicensed printing, the desire to diffuse knowledge, and the facility to obtain pecuniary emolument, require not the aid of government. Between the years 1800 and 1823, there were no less than a hundred and eight volumes of reports published; and they are now much, very much, increased.

(*b*) See vol. vii. p. 273.

(*c*) For the Ordinances, see vol. vii. p. 256.

Before the circuits he assembled the judges, and explained his views of their duties, when they, as the planets of the kingdom, were representing their sovereign, in the administration of law and justice; (*a*)—to advance kind feeling and familiar intercourse, he introduced a mode, at that time not usual, of inviting the judges to dinner; thus manifesting, as he says in a letter to Lord Burleigh, that it is ever a part of wisdom not to exclude inferior matters of access amongst the care of great: and, upon the promotion of any judge, he availed himself of the opportunity to explain the nature of judicial virtues, of which an extensive outline may be seen in his works. (*b*)

"The judge is a man of ability, (*c*) drawing his learning out of his books, and not out of his brain; (*d*) rather learned than ingenious; more plausible than witty; more reverend than plausible. (*e*)—He is a man of gravity; (*f*) of a re-

(*a*) Vol. vii. p. 258.

(*b*) Essays on Judicature, Delays, and Dispatch, in vol. i.; his Advice to Villiers, vol. vi. p. 400; and the speech used by Sir Francis Bacon, Lord Keeper of the Great Seal of England, to Sir William Jones, upon his calling to be Lord Chief Justice of Ireland, 1617; the Lord Keeper's speech in the Exchequer to Sir John Denham, when he was called to be one of the barons of the Exchequer; and to Justice Hutton, when called to be one of the judges of the Common Pleas.—Vol. vii. p. 263.

(*c*) The ignorance of the judge is the ruin of the innocent.

(*d*) He should draw his learning out of his books, and not out of his brain; and continue the studying of books, and not spend upon the old stock.—Bacon.

(*e*) Lord Bacon says, judges should be rather reserved than affable. The judges are, or ought to be, of a reserved and retired character, and wholly unconnected with the political world.—Burke.

(*f*) Non est major confusio, quam serii et joci.

See his tract on Church Controversies, vol. vii. p. 32, where he says, "Job speaking of the majesty and gravity of a judge in himself saith, 'If I did smile, they believed it not:' as if he should have said, if I diverted or glanced upon conceit of mirth, yet men's minds were so possessed with a reverence of the action in hand, as they could not receive it."

As for jest, there be certain things which ought to be privileged from it;

tired nature, and unconnected with politics: (*d*) his virtues are inlaid, not embossed.—He is more advised than confident.—He has a right understanding of justice, depending not so much on reading other men's writings, as upon the goodness of his own natural reason and meditation. (*e*) —He is of sound judgment; not diverted from the truth by the strength of immediate impression.—He is a man of

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namely, religion, matters of state, great persons, any man's present business of importance, and any case that deserveth pity; yet there be some that think their wits have been asleep, except they dart out somewhat that is piquant and to the quick, that is a vein which would be bridled: "Parce puer stimulis, et fortius utere loris."—See Essay of Discourse, vol. i. p. 113.

Hence, therefore, levity in a judge always is, to a certain extent, painful, and particularly to the suitors, to whom the present business is important. "It may be play to you, but it is death to us." Perhaps the right line may be seen in his essay on Adversity: "In embroidery we find it more pleasing to have a lively work on a solemn ground, than a dead work upon a light ground; judge therefore of the pleasures of the heart by the pleasures of the eye.

He avoideth all jesting on men in misery: easily may he put them out of countenance whom he hath power to put out of life.—Fuller.

(*d*) He scarce ever meddled in state intrigues, yet upon a proposition that was set on foot by the Lord Keeper Bridgeman, for a comprehension of the more moderate dissenters, and a limited indulgence towards such as could not be brought with the comprehension, he dispensed with his maxim of avoiding to engage in matters of state.—Hale's Life, p. 68.

He would never be brought to discourse of public matters in private conversation; but in questions of law, when any young lawyer put a case to him he was very communicative, especially while he was at the bar: but when he came to the bench he was very reserved.—Hale's Life.

(*e*) A judge should be a person of good knowledge and ability; well versed and skilled in the laws concerning matters under debate; endued with good measure of reason, enabling him to sift and canvass matters of fact, so as to compare them accurately with the rules of right.—Barrow.

The things that make a good judge, or good interpreter of the laws, are, first, a right understanding of that principal law of nature, called equity; which depending not on the reading of other men's writings, but on the goodness of a man's own natural reason and meditation, is presumed to be in those most that have most leisure, and had the most inclination to meditate thereon.—Hobbs.

integrity: (*f*)—of well regulated passions; beyond the influence either of anger, (*g*) by which he may be incapable of judging, or of hope either of money (*h*) or of

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(*f*) The enamel which adorneth the dove's nest never shines so clear and glorious as when the sun shines upon it: so the ornaments of power never look so splendid as when they are surrounded by a glory of virtue.

Above all things, integrity is their portion and proper virtue. "Cursed," saith the law, "is he that removeth the landmark." The mislayer of a mere-stone is to blame; but it is the unjust judge that is the capital remover of landmarks, when he defineth amiss of lands and property. One foul sentence doth more hurt than many foul examples; for these do but corrupt the stream, the other corrupteth the fountain: so saith Solomon, "Fons turbatus, et vena corrupta est justus cadens in causa sua coram adversario." He so hates bribes, that he is jealous to receive any kindness above the ordinary proportion of friendship.—Bacon.

It is not ability alone that is sufficient. He must have both science and conscience.—Fuller.

He that pretendeth to judge others should himself be innocent; under no indictment, and not liable to condemnation. Is it not very improper for a criminal, for one who is not only in truth, and in his own conscience guilty, but who standeth actually convicted of heinous offences, to sit upon the bench determining about the deeds and states of others? It is the case of us all, we are all notoriously guilty of heinous crimes before God, we all do lie under the sentence of his law, we do all stand in need of pardon from our judge; his mercy is our only hope and refuge; and shall we then pretend to be judges, or be passing sentence on our brethren? If only those who are free and guiltless should judge, who could undertake it? There would surely be no more than there appeared then, when in the case of the woman taken in adultery our Lord propounded the like condition: He that is without sin amongst you, let him cast the first stone at her: upon which proposition the sequel was, and they that heard it being convicted by their own conscience, went out one by one, beginning at the eldest, even to the last, and Jesus was left alone, and the woman standing in the midst; so infallibly, should no man be allowed to judge who was not himself void of the like guilt, would every man escape censure.

(*g*) Sir M. Hale, in his rules for things necessary to be continually had in remembrance, says, "That in the execution of justice I carefully lay aside my own passions, and not give way to them, however provoked."

(*h*) The next security for the impartial administration of justice, especially in decisions to which government is a party, is the independency of the judges. As protection against every illegal attack upon the rights of the

worldly advancement, (*h*) by which he may decide un-

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subject by the servants of the crown is to be sought for from these tribunals, the judges of the land become not unfrequently the arbitrators between the king and the people, on which account they ought to be independent of either; or, what is the same thing, equally dependent upon both: that is, if they be appointed by the one, they should be removeable only by the other. This was the policy which dictated that memorable improvement in our constitution, by which the judges, who before the revolution held their offices during the pleasure of the King can now be deprived of them only by an address from both houses of parliament, as the most regular, solemn, and authentic way by which the dissatisfaction of the people can be expressed.—Paley.

To the community this is of importance. 1. To secure his impartiality. 2. Because not seemly for him to be haggling as hucksters, and labouring for his subsistence.

To make this independency of the judges complete, the public salaries of their office ought not only to be certain both in amount and continuance, but so liberal as to secure their integrity from the temptation of secret bribes; which liberality will answer also the further purpose of preserving their jurisdiction from contempt, and their characters from suspicion, as well as of rendering the office worthy of the ambition of men of eminence in their profession.—Paley.

When the present condition of the judges is compared with that when the crown had a power of dismissing them at pleasure, a great step appears to be gained towards the upright administration of justice. Their places and salaries are now secured for life, except upon an address from both houses of parliament, which nothing but flagrant misconduct on their parts can be supposed to produce, and they may pronounce sentence without any fear of the loss of dignity or emolument.

(*h*) Hobbs says a judge should have a contempt of unnecessary riches and preferments. Their fortunes should be above temptation, and their spirits above private influence.

He should be incapable of promotion. Sir William Jones, the late judge in India, in one of his letters to Sir James Macpherson respecting some promotion that appears to have been offered to him, expresses himself in the following terms: "If the whole legislature of Britain were to offer me a different station from that which I now fill, I should gratefully and respectfully decline it. The character of an ambitious judge is, in my opinion, very dangerous to public justice; and if I were sole legislator, it should be enacted that every judge as well as every bishop should remain for life in the place which he first accepted."

Lord Teignmouth's Life of Sir W. Jones.

justly; or of fear (*i*) either of the censure of others, which

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(*i*) He who will faithfully perform his duty, in a station of great trust and power, must needs incur the utter enmity of many, and the high displeasure of more; he must sometimes struggle with the passions and interests, resist the applications, and even punish the vices of men potent in the commonwealth, who will employ their ill influence towards procuring impunity, or extorting undue favours for themselves or their dependents. He must conquer all these difficulties, and remove all these hindrances out of the way that leads to justice; must dare even to break the jaws of the wicked, and to pluck the spoil out of his teeth. He is the guardian of the public quiet; appointed to restrain violence, to quell seditions and tumults, and to preserve that order and peace which preserves the world.—Atterbury.

That judge is most loved for his good nature who is feared for his resolution.

When early in the reign of Charles the First, Judge Jenkins imprisoned divers persons in his circuit, or condemned them to die, as being guilty of high treason, this provoked the officers of government; and, the judge being taken prisoner at the capture of Hereford, he was hurried up to London, and committed to the Tower. On being brought to the bar of the court of Chancery, he denied the authority of the commissioners, because their seal was counterfeited, in consequence of which he was sent to Newgate. From thence he was brought to the bar of the House of Commons, and reprimanded by the Speaker for refusing to kneel. He answered, "As long as you had the King's arms engraved on your mace, and acted under his authority, had I come here I would have bowed my body in obedience to that authority." For this speech he was, without trial, voted guilty of high treason, and he was sent back to Newgate. After this the house sent a committee to Newgate, making splendid offers to the judge if he would acknowledge their power to be lawful. To which he answered, "Far be it from me to own rebellion to be lawful because it is successful." Upon this they admonished him that he had a wife and nine children. Upon which the old judge said, "Had my wife and children petitioned you in this matter, I would have looked upon her as a whore, and them as bastards." Upon this the committee departed, leaving him in the expectation of being led out to execution. "They may lead me," said he, "if so it please them, but I will suffer with the Bible under one arm and Magna Charta under the other."

Rex v. Knollys, 6 Wm. and M. 1 Ld. Raym. 10.—At the conclusion of this case, it is said, Note, that this judgment was very distasteful to some lords; and therefore in Hilary term, 1697, 9 Wm. III. the Lord Chief Justice Holt was summoned to give his reasons of this judgment to the

is cowardice, or of giving pain when it ought to be given, which is improper compassion. (*k*)—He is just both

House of Peers, and a committee was appointed to hear and report them to the house, of which the Earl of Rochester was chairman. But the Chief Justice Holt refused to give them in so extrajudicial a manner; but he said that if the record was removed before the peers by error, so that it came judicially before them, he would give his reasons very willingly; but if he gave them in this case, it would be of very ill consequence to all judges hereafter in all cases. At which answer some lords were so offended, that they would have committed the Chief Justice to the Tower, but, notwithstanding, all their endeavours vanished in smoke.

Colonel Whaley, who commanded the garrison, came into court, and urged "that a man was killed for disobeying the Protector's order, and that the soldier was but doing his duty, yet the judge (Sir M. Hale) regarded both his reasons and his threatening very little, and therefore pronounced sentence upon him.—Hale's Life.

Two of Sir Matthew Hale's rules are: That popular or court applause or distaste have no influence upon any thing I do, in point of distribution of justice. Not to be solicitous what men will say or think, so long as I keep myself exactly according to the rules of justice.

See the account of Judge Gascoyne in Henry V.

(*k*) It is for you, upon reading the information, and by comparing it with the pamphlet, to see whether the sense the Attorney General has affixed is fairly affixed, always being guided by this that where it is truly ambiguous and doubtful, the inclination of your judgment should be on the side of innocence; but if you find you cannot acquit him without distorting sentences, you are to meet this case, and all other cases, as I stated yesterday, with the fortitude of men, feeling that they have a duty upon them superior to all leaning to parties; namely, the administration of justice in the particular cause.—Lord Kenyon, in Stockdale's case.

Gentlemen, let me desire you again and again to consider all the circumstances of this man's case, abstracted from the influence of prejudice and habit; and if ought of passion assumes dominion over you, let it be of that honest, generous nature, that good men must feel when they see an innocent man depending on their verdict for life.

Curran, for Finnerty, p. 222.

One of Sir Matthew Hale's rules is, "That in business capital, though my nature prompt me to pity, yet to consider that there is also a pity due to the country." Another is, "If in criminals it is a measuring cast to incline to mercy and acquittal. In criminals of blood, if the fact be evident, severity is justice."

in private (*l*) and in public. — He without solicitation accepts the office, with a sense of public duty. (*m*)—He is

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(*l*) After Sir Matthew Hale was made a judge, he would needs pay more for every purchase he made than it was worth; if it had been but a horse he was to buy, he would have outbid the price.—Hale's Life, p. 153.

For such law as man giveth other wight,
He should himself usin the same by right.—Chaucer.

I have somewhere heard that Lord Chancellor Hardwicke, who was extremely fond of money, directed his steward to buy for him an estate which was to be sold in the neighbourhood. The steward returned, and informed his lordship that he was the purchaser of the estate, and had made a good bargain, for that it was worth £8,000 more than the sum which he had given. Lord Hardwicke ordered the fact to be ascertained, and directed the £8,000 to be paid to the person of whom the estate was bought. "The Chancellor of England ought not," he said, "to give less for an estate than it is worth."

(*m*) When an application was made to General Washington to accept the command of the American army, he said, "Though I am truly sensible of the high honour done me in this appointment, yet I feel great distress from a consciousness that my abilities and military experience may not be equal to the extensive and important trust: however, as the Congress desire it, I will enter into the momentous duty, and exert every power I possess in their service, and for support of the glorious cause; and I beg they will accept my most cordial thanks for this distinguished testimony of their approbation. But, lest some unlucky event should happen unfavourable to my reputation, I beg it may be remembered by every gentleman in the room, that I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honoured with. As to pay, I beg leave to assure the Congress, that as no pecuniary consideration could have tempted me to accept this arduous employment, at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. These, I doubt not, they will discharge, and that is all I desire."

Barrow, Serm. 20. p. 98. No judge should intrude himself into the office, or assume a judicial power without competent authority; that is, by delegation from superior powers, or by voluntary reference of the parties concerned.

He ought not to buy his place. "Grapes will not be gathered of thorns and thistles. The judge's office ought not to be bought. They that buy justice by wholesale to make themselves savers must sell it by retail.

Fuller.

patient (*k*) in hearing, in inquiry, and in insult; (*l*) quick in apprehension, slow in anger. His determination to censure is always painful to him, like Cæsar when he threatened Metellus with instant death, 'Adolescens, durius est mihi hoc dicere quàm facere.' (*m*)—He does not affect the reputation of dispatch, (*n*) nor forget that

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If any sue to be made a judge, for my own part I should suspect him: but if, either directly or indirectly, he should bargain for a place of judicature, let him be rejected with shame; *vendere jure potest, emerat ille prius.* See ante, p. clxxvi.

(*k*) It being no grace to a judge, first to find that which he might have heard in due time from the bar; or to show quickness of conceit in cutting off evidence or counsel too short; or to prevent information by questions, though pertinent: an overspeaking judge being no well-tuned cymbal.—Bacon.

(*l*) Small streams are agitated by the wind: deep streams move on. Scarcely any part of a judge's conduct demands more judgment than the proper mode of acting when insulted, when the generality of men are off their guard.

If any adverse party crossed him, he would patiently reply, "If another punish me, I will not punish myself."—Lloyd's Life of Sir Edw. Coke.

He is calm amidst every storm. He is the steady rock amidst unruly waves.

(*m*) He behaved himself with that regard to the prisoners which became both the gravity of the judge, and the pity that was due to men whose lives lay at stake, so that nothing of jeering or unreasonable severity ever fell from him. He also examined the witnesses in the softest manner, taking care that they should be put under no confusion, which might disorder their memory; and he summed all the evidence so equally when he charged the jury, that the criminals themselves never complained of him. When it came to him to give sentence, he did it with that composedness and decency, and his speeches to the prisoners directing them to prepare for death, were so weighty, so free of all affectation, and so serious and devout, that many loved to go to the trials when he sate judge, to be edified by his speeches and behaviour in them, and used to say, they heard very few such sermons.—Hale.

The sentence of condemnation he pronounceth with all gravity. 'Tis best when steeped in the judge's tears.—Fuller.

(*n*) He did not affect the reputation of quickness and dispatch, by a hasty and captious hearing of counsel. He would bear with the meanest, and give every

an over-speaking judge is no well tuned cymbal.—He is diligent in discovering the merits of the cause: by his own exertions; (*p*) from the witnesses, and the advocates.—He is cautious in his judgment; not forming a hasty opinion: not tenacious in retaining an opinion when formed: 'never ashamed of being wiser to-day than he was yesterday:' never wandering from the substance of the matter in judgment into useless subtlety and refinement.—He does not delay justice.

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man his full scope, thinking it much better to lose time than patience.—Life of Hale. Seneca says of Claudius, "He passed sentence una tantum parte audita sæpe et nulla." He is patient and attentive in hearing the pleadings and witnesses on both sides. *Audi alteram partem* is a maxim of which he never loses sight. One of Sir M. Hale's rules is, "That I suffer not myself to be prepossessed with any judgment at all till the whole business and both parties be heard." Another is, "That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard."

(*p*) If the cause be difficult, his diligence is the greater to sift it out. For though there be mention, Psalm xxxvii. 6, of righteousness as clear as the noon-day, yet God forbid that that innocency which is no clearer than twilight should be condemned. And seeing one's oath commands another's life, he searcheth whether malice did not command that oath; yet when all is done, the judge may be deceived by false evidence. But blame not the hand of the dial, if it points at a false hour, when the fault is in the wheels of the clock which direct it, and are out of frame.—Fuller.

Sir M. Hale, in his rules of things to be continually had in remembrance, says, "That I be wholly intent upon the business I am about, omitting all other cares and thoughts as unseasonable and interruptions."

I remember that, when I was a young man, a prisoner was tried at the Old Bailey for a capital offence in secreting a letter. I forget the judge by whom he was tried, but Sir Soulden Lawrence was on the bench, and when the judge by whom he was tried was about to charge the jury, Sir Soulden stated a point of law which had occurred to him in favour of the prisoner. This attention of Sir Soulden saved the man's life: his name was Pooley, Benjamin Pooley I think.

Lord Eldon was very much in the habit of taking home the pleadings after the case had been argued. He told me that, in reading some pleadings, he had just discovered that the counsel had omitted to notice the only point upon which the case turned. He mentioned it, and the bar saw their error. He was one of the most, if not the most pains-taking judge, it is my firm conviction, that ever existed.

kindness, and by encouragement:—to the jurors, by being a light to lead them to justice:—to the advocates, by hearing

especially in all intricate ones, give such an account of the reasons that prevailed with him, that the counsel did not only acquiesce in his authority, but were so convinced by his reasons, that I have heard many profess that he brought them often to change their opinions; so that his giving of judgment was really a learned lecture upon that point of law; and which was yet more, the parties themselves, though interest does too generally corrupt the judgment, were generally satisfied with the justice of his decisions, even if they were made against them.—Hale's Life, p. 91.

(*b*) If any shall browbeat a pregnant witness, on purpose to make his proof miscarry, he checketh them, and helps the witness that labours in his delivery. On the other side he nips these lawyers who, under a pretence of kindness to lend a witness some words, give him new matter, yea clean contrary to what he intended.—Fuller.

(*c*) He is patient and attentive in hearing the witnesses, though tedious. He may give a waking testimony who hath but a dreaming utterance; and many country people must be impertinent before they can be pertinent, and cannot give evidence about a hen, but first they must begin with it in the egg. All which our judge is contented to hearken to.—Fuller.

He meets not testimony half way, but stays till it come at him: he that proceeds on half evidence will not do quarter justice. Our judge will not go till he is lead.—Fuller.

Let not the judge meet the cause half way, nor give occasion to the party to say his counsel or proofs were not heard.

Patience is the lawyer's gift.—Lloyd's Life of Sir John Jeffrey, 223.

"Prudens qui patiens," was Lord Burleigh's saying, and Sir Edward Coke's motto. Lord Burleigh is said to have carried matters prudently and patiently as became so great a statesman.—Lloyd.

But nothing was more admirable in him than his patience: he did not affect the reputation of quickness and dispatch, by a hasty and captious hearing of counsel. He would bear with the meanest, and give every man his full scope, thinking it much better to lose time than patience. In summing up an evidence to a jury, he would always require the bar to interrupt him if he did mistake, and to put him in mind of it, if he did forget the least circumstance; some judges have been disturbed at this as a rudeness, which he always looked upon as a service and respect done to him.

Hale's Life, p. 177.

As his majesty was secured by his loyalty, so his subjects were by his patience, a virtue he carried with him to the bench, to attend each circumstance of an evidence, each allegation of a plea, each plea in a cause; hearing what was impertinent, and observing what was proper. His usual

or an intelligent judge. (*g*)—He decides according to law; 'jus dicere: non jus dare,' is his maxim. (*h*)—He delivers his judgment in public, (*i*) 'palam atque astante corona.'

"He discharges his duty to all persons.—To the suitors, by doing justice, and by endeavouring to satisfy them that justice is done: (*a*)—to the witnesses, (*b*) by patience, (*c*)

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noted favourites, which cannot but cause multiplication of fees, and suspicion of by-ways.

Sir Matthew Hale, in his rules, says, "Not to give any undue precedence to causes: not to recommend counsel."

(*g*) His judgment is his own, uninfluenced by the opinions of his brethren. In England the junior judge is first to deliver his judgment. He should mix well the freedom of his own opinion with reverence for the opinion of his fellows. —Bacon. In forming his judgment he acts from the dictates of his own understanding, unbiassed by the opinions of his brother judges.

Sir M. Hale would never suffer his opinion in any case to be known till he was obliged to declare it judicially; and he concealed his opinion in great cases so carefully, that the rest of the judges in the same court could never perceive it. His reason was, because every judge ought to give sentence according to his own persuasion and conscience, and not to be swayed by any respect or deference to another man's opinion; and by his means it hath happened sometimes that when all the barons of the Exchequer had delivered their opinions, and agreed in their reasons and arguments, yet he coming to speak last, and differing in judgment from them, hath expressed himself with so much weight and solidity, that the barons have immediately retracted their votes and concurred with him.

(*h*) Etenim optima est lex, quæ minimum relinquit arbitrio judicis: optimus judex, qui minimum sibi.—Justitia Universalis, Aph. 94, vol. ix. p. 94.

(*i*) Nec decreta exeant cum silentio; sed judices sententiæ suæ rationes adducant, idque palam, atque astante corona: ut quod ipsa potestate sit liberum, fama tamen et existimatione sit circumscriptum.—Justitia Universalis, Aph. 38, vol ix. p. 92.

(*a*) The duty of a judge is not only to do justice, but to satisfy the parties that, to the best of his ability, justice has been done. He may err in discovering what is just; but, in satisfying the parties of his anxiety to be just, he need never err. Cicero says of Brutus, "Etiam quos contra statuit æquos placentos que dimisit."

He was not satisfied barely to give his judgment in causes, but did

(*b*) See note (*b*), next page. (*c*) See note (*c*), next page.

readiness to hear the complaints of the distressed; (*l*) in looking with pity upon those who have erred and strayed; in courtesy; in discountenancing contentious suits; (*n*) in attending to appearances, (*o*) esse et videri; in encouraging respect for the office; (*q*) and by resigning in due time." (*r*)

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when there appeareth on either side an high hand, violent prosecution, cunning advantages taken, combination, power, great counsel, then is the virtue of a judge seen to make inequality equal, that he may plant his judgment as upon an even ground. "Qui fortitur emungit, elicit sanguinem;" and where the wine-press is hard wrought, it yields a harsh wine that tastes of the grape-stone.

(*l*) He should have ears always open compassionately to hear the complaints of widows, orphans, afflicted and forlorn people, who endure all the torments of the world to break through the press to manifest their injuries. A widow, whose son had been slain, and who was unable to attain justice, had the courage to accost the Emperor Trajan in the midst of the street, amidst an infinite number of people and the legions attending him to the war in Walachia, to which he was departing. He alighted from his horse, heard her, and ordered justice to be done. This is represented on Trajan's pillar.

(*n*) He should discountenance contentious suits. Contentious suits should be quickly ejected as the surfeit of courts.

De minimis non curat lex is a maxim of the law of England.

Contentious suits ought to be spued out as the surfeit of courts.

Bacon.

He causeth that contentious suits should be spued out as the surfeits of courts.—Fuller.

(*o*) Not ostentatiously, but from a knowledge that observers are influenced by appearance to look at the reality.

(*q*) Sir Matthew Hale says, amongst the things to be continually had in remembrance, "That in the administration of justice I am entrusted for God, the King, and Country."

He should encourage a sentiment of respect for the judicial office; not for ostentation, but as a mode to advance a love of justice.

The judge exalts not himself but his office.

(*r*) He said he could not with a good conscience continue in it since he was no longer able to discharge the duty belonging to it.—Hale's Life, p. 99.

Mr. Justice Heath used to say he would never resign, but would die "with harness on his back."

He does not set in a cloud, but shines clear to the last.

In his youth he had exerted himself to improve the gardens of Gray's Inn: (*b*) in gardens he always delighted, (*c*) thinking them conducive to the purest of human pleasures, and he now, as Chancellor, had the satisfaction to sign the patent for converting Lincoln's Inn Fields into walks, (*d*) extending almost to the wall where his faithful friend Ben Jonson had, when a boy, worked as a bricklayer. (*e*)

For relaxation from his arduous occupations he was accustomed to retire to his magnificent and beautiful residence at Gorhambury, the dwelling place of his ancestors, where, (*f*) "when his lordship arrived, St. Albans seemed as if the court had been there, so nobly did he live. His servants had liveries with his crest: his watermen were more employed than even the King's."

About half a mile from this noble mansion, of which the ruins yet remain, and within the bounds of Old Verulam, the Lord Chancellor built, at the expense of about £10,000, a most ingeniously contrived house, where, in the society of his philosophical friends, he escaped from the splendour of Chancellor, to study and meditation. "Here," says Aubrey, his lordship much meditated, his servant, Mr. Bushell, attending him with his pen and inkhorn to set down his present notions. Mr. Thomas Hobbes told me

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(*b*) Ante, p. xxiii. (*c*) See his Essays on Gardens, vol. i. p. 152.

(*d*) To the Marquis of Buckingham.

My very good Lord,—I send the commission for making Lincoln's Inn Fields into walks for his majesty's signature. It is without charge to his majesty. God preserve and prosper you. Your Lordship's most obliged friend and faithful servant, FR. VERULAM, Canc.

Nov. 12, 1618.

(*e*) His mother, after his father's death, married a bricklayer, and it is generally said, that he wrought some time with his father-in-law, and particularly on the garden wall of Lincoln's Inn, next to Chancery Lane.

Aubrey's account of Ben Jonson, vol. iii. p. 412.

(*f*) Aubrey.

that his lordship would employ him often in this service, whilst he was there, and was better pleased with his minutes, or notes, set down by him, than by others who did not well understand his lordship. He told me that he was employed in translating part of the Essays, viz. three of them, one whereof was that of Greatness of Cities, the other two I have now forgot." (*a*)

Such was the gorgeous splendour, such the union of action and contemplation in which he lived.

Alienation Office and York House.

About this period the King conferred upon him the valuable farm of the Alienation Office, and he succeeded in obtaining for his residence, York House, the place of his birth, and where his father had lived, when Lord Keeper in the reign of Elizabeth. (*b*)

This may be considered the summit of this great man's worldly prosperity. He had been successively Solicitor and Attorney General, Privy Councillor, Lord Keeper, and Lord Chancellor, having had conferred upon him the dignities first of Knight, then of Baron of Vèrulam, and early in the next year, of Viscount St. Albans; but, above all, he was distinguished through Europe by a much prouder title, as the greatest of English Philosophers.

His birth day. A. D. 1620. Æt. 60.

At York House, on the 22nd of January, 1620, he celebrated his sixtieth birthday, surrounded by his admirers and friends, amongst whom was Ben Jonson, who composed in honour of the day a poem founded on the fiction of the poet's surprize upon his reaching York House,

(*a*) See Aubrey, p. 228. I have an engraving of this house.

(*b*) Besides other good gifts and bounties of the hand, which his majesty gave him, both out of the broad seal, and out of the Alienation Office, to the value in both of £1900 per annum, which, with his manor of Gorhambury, and other lands and possessions near thereunto adjoining, amounting to a third part more, he retained to his dying day.—Rawley. See note A of this work.

at the sight of the genius of the place performing some mystery. (*a*) Fortune is justly represented insecurely placed upon a wheel, whose slightest revolution may cause her downfall. It has been said that wailing sounds were heard before the destruction of the Temple of Jerusalem, and at last the rushing of mighty wings when the angel of the sanctuary departed.—Had the poet been a prophet, he would have described the good genius of the mansion, not exulting, but dejected, humbled, and about to depart for ever.

(*a*) " Hail, happy genius of this ancient pile!
How comes it all things so about thee smile?
The fire, the wine, the men? and in the midst
Thou stand'st, as if some mystery thou didst.
Pardon, I read it in thy face; the day
For whose return, and many, all these pray,
And so do I. This is the sixtieth year
Since Bacon, and thy lord was born, and here:
Son to the grave wise Keeper of the Seal,
Fame and foundation of the English weal.
What then the father was, that since is he,
Now with a title more to the degree;
England's High Chancellor, the destin'd heir,
In his soft cradle, to his father's chair.
Whose even thread the fates spin round and full
Out of their choicest and their whitest wool.
'Tis a brave cause of joy, let it be known,
For 'twere a narrow gladness kept thine own.
Give me a deep crown'd bowl, that I may sing,
In raising him, the wisdom of my king."

CHAPTER III.

FROM THE PUBLICATION OF THE NOVUM ORGANUM TO HIS RETIREMENT FROM ACTIVE LIFE,

October, 1620, to June, 1621.

GLITTERING in the blaze of worldly splendour, and absorbed in worldly occupations, the Chancellor, now sixty years of age, could no longer delude himself with the hope of completing his favourite work, the great object of his life, upon which he had been engaged for thirty years, and had twelve times transcribed with his own hand. He resolved at once to abandon it, and publish the small fragment which he had composed. (*a*) For this act

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(*a*) "His book of Instauratio Magna (which, in his account was the chiefest of his works) was no slight imagination or fancy of his brain, but a settled and concocted notion; the production of many years labour and travail. I myself have seen at the least twelve copies of the Instauration, revised year by year, one after another, and every year altered and amended in the frame thereof; till at last it came to that model in which it was committed to the press: as many living creatures do lick their young ones till they bring them to their strength of limbs." Rawley's Life.

"There be two of your council, and one other bishop of this land (Dr. Andrews), that know I have been about some such work near thirty years, so as I made no haste. And the reason why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy." Letter to the King, see vol. ix. p. xiii, in preface.

of despair he assigned two reasons:—"Because I number my days, and would have it saved;" and "to try whether I can get help in one intended part of this work, namely, the compiling of a Natural and Experimental History, which must be the foundation of a true and active philosophy." (*a*)—Such are the consequences of vain attempts to unite deep contemplation and unremitted action! Such the consequences of forgetting our limited powers; that we can reach only to our arm's length, and our voice be heard only till the next air is still! (*b*)

It will be remembered, that in the Advancement of Learning, he separates the subject of the human mind (*c*) into

- 1. The Understanding.
  - 1. Invention.
  - 2. Judgment.
  - 3. Memory.
  - 4. Tradition.
- 2. The Will.

Under the head of Invention, he says, "The invention of sciences, I purpose, if God give me leave, hereafter to propound, having digested it into two parts; whereof the one I term *experientia literata*, and the other, *interpretatio naturæ*: the former being but a degree and rudiment of the latter. But I will not dwell too long, nor speak too great upon a promise."—This promise he, however, lived partly to realize.

In the year 1623, he completed his tract upon *Literate*

(*a*) See vol. xiv. p. 4.

(*b*) See the fable of Memnon, in the Wisdom of the Ancients, vol. iii. p. 40.

(*c*) Ante, p. cxii.

Experience, (*a*) in which, after having explained that our inventions, instead of resulting from reason and foresight, had ever originated in accident: that "we are more beholden to a wild goat for surgery: to a nightingale for modulations of music: to the ibis for some part of physic: to a pot-lid that flew open for artillery: in a word, to chance rather than to logic: so that it is no marvel that the Egyptians had their temples full of the idols of brutes; but almost empty of the idols of men:" he divides this art of Discovery into two parts: "For either the indication is made from experiments to experiments, or from experiments to axioms, which may likewise design new experiments; whereof the former we will term *Experientia Literata;* the latter, *Interpretatio Naturæ,* or *Novum Organum:* as a man may go on his way after a three-fold manner, either when himself feels out his way in the dark; or, being weak-sighted, is led by the hand of another; or else when he directs his footing by a light. So when a man essays all kind of experiments without sequence or method, that is a mere palpation; but when he proceeds by direction and order in experiments, it is as if he were led by the hand; and this is it which we understand by *Literate Experience;* for the light itself, which is the third way, is to be derived from the interpretation of nature, or the *New Organ.*" (*b*)

Literate experience.

He then proceeds to explain his doctrine of "*Literate Experience,*" or the science of making experiments. The hunting of Pan. (*c*)

In this interesting inquiry the miraculous vigilance of this extraordinary man may, possibly, be more apparent

(*a*) De Augmentis, L. v. vol. viii. p. 265.
(*b*) De Aug. vol. viii. p. 265.
(*c*) Fable of Pan. See Wisdom of Ancients, vol. iii. p. 11.

than in his more abstruse works. An outline of it is subjoined. (*a*)

(*a*) The art of experimenting is,

- 1. Systematic.
  - 1. Simple.
    - 1. Production.
      - 1. By repetition.
      - 2. By extension.
      - 3. By compulsion.
    - 2. Inversion.
    - 3. Variation.
      - 1. Of the matter.
      - 2. Of the efficient.
      - 3. Of the quantity.
    - 4. Translation.
      - 1. From nature.
        - 1. To nature.
        - 2. To art.
      - 2. From art.
        - 1. To a different art.
        - 2. To a part of the same art.
      - 3. From experiment to experiment.
  - 2 Compound.
- 2. Chance.

A few moments consideration of each of these subjects will not be lost.

PRODUCTION is experimenting upon the result of the experiment, and is either, 1st, by *Repetition*, continuing the experiment upon the result of the experiment; as Newton, who, after having separated light into seven rays, proceeded to separate each distinct pencil of rays: or, 2ndly, by *Extension*, or urging the experiment to a greater subtlety, as in the memory being helped by images and pictures of persons: may it not also be helped by imaging their gestures and habits? or, 3rdly, by *Compulsion*, or trying an experiment till its virtue is annihilated: not merely hunting the game, but killing it; as burning or macerating a loadstone, or dissolving iron till the attraction between the iron and the loadstone is gone.

INVERSION is trying the contrary to that which is manifested by the experiment: as in heating the end of a small bar of iron, and placing the heated end downwards, and

The NOVUM ORGANUM is the next subject of consideration. It thus opens:

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your hand on the top, it will presently burn the hand. Invert the iron, and place the hand on the ground, to ascertain whether heat is produced as rapidly by descent as by ascent.

VARIATION is either of the *matter*, as the trying to make paper of woollen, as well as of linen; or of the *efficient*, as by trying if amber and jet, which when rubbed, will attract straw, will have the same effect if warmed at the fire; or of the *quantity*, like Æsop's huswife, who thought that by doubling her measure of barley, her hen would daily lay her two eggs.

TRANSLATION is either from *nature to nature*, as Newton translating the force of gravity upon the earth to the celestial bodies; or from *nature to art*, as the manner of distilling might be taken from showers or dew, or from that homely experiment of drops adhering to covers put upon pots of boiling water; or from *art to a different art*, as by transferring the invention of spectacles, to help a weak sight, to an instrument fastened to the ear, to help the deaf; or to a different part of the same art: as, if opiates repress the spirits in diseases, may they not retard the consumption of the spirits so as to prolong life; or from *experiment to experiment*: as upon flesh putrefying sooner in some cellars than in others, by considering whether this may not assist in finding good or bad air for habitations.

Such are the modes of experimenting by translation,*

* They may be thus exhibited:

1. From nature. { To nature. / To art.
2. From art. { To a different art. / To a different part of the same art.
3. From experiment to experiment.

FRANCISCUS
DE VERULAMIO
SIC COGITAVIT.(a)

His despair of the possibility of completing his important work, of which his Novum Organum was only a portion, appears at the very entrance of the volume, which, instead of being confined to the Novum Organum, exhibits an outline, and only an outline of the whole of his intended labours.

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open to all men who will awake and perpetually fix their eyes, one while on the nature of things, another on the application of them to the use and service of mankind.

COPULATION of experiments is trying the efficacy of united experiments, which, when separate, produce the same effect: as, by pulling off the more early buds when they are newly knotted, or by laying the roots bare until the spring, late roses will be produced. Will not the germination be more delayed by a union of these experiments?

CHANCES of an experiment, or the trying a conclusion not for that any reason, or other experiment, induceth you to it, but only because the like was never attempted before: an irrational, and, as it were, a passionate manner of experimenting; but yet the wonders of nature lie out of the high road and beaten paths, so as the very absurdity of an attempt may sometimes be prosperous.

Such is the nature of his tract entitled "Literate Experience."

(a) Vol. ix. p. 145, 6, 7. Cum autem incertus esset, quando hæc alicui posthac in mentem ventura sint; eo potissimum usus argumento, quod neminem hactenus invenit, qui ad similes cogitationes animum applicuerit; decrevit prima quæque, quæ perficere licuit, in publicum edere. Neque hæc festinatio ambitiosa fuit, sed sollicita; ut si quid illi

After his dedication to the King, (*a*) he, according to his wonted mode, clears the way by a review of the state of learning, which, he says, is neither prosperous nor advanced, but, being barren in effects, fruitful in questions, slow and languid in its improvement, exhibiting in its generality the counterfeit of perfection, ill filled up in its details, popular in its choice, suspected by its very promoters, and therefore countenanced with artifices, (*b*) it is necessary that an entirely different way from any known by our predecessors must be opened to the human understanding, and different helps be obtained, in order that the mind may exercise its jurisdiction over the nature of things.

The intended work is then separated into six parts:

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humanitus accideret, exstaret tamen designatio quædam, ac destinatio rei quam animo complexus est; utque exstaret simul signum aliquod honestæ suæ et propensæ in generis humani commoda voluntatis. Certe aliam quamcunque ambitionem inferiorem duxit re, quam præ manibus habuit. Aut enim hoc quod agitur nihil est; aut tantum, ut merito ipso contentum esse debeat, nec fructum extra quærere.

FRANCIS OF VERULAM

THOUGHT THUS.

Uncertain, however, whether these reflections would ever hereafter suggest themselves to another, and particularly having observed that he has never yet met with any person disposed to apply his mind to similar meditations, he determined to publish whatsoever he had first time to conclude. Nor is this the haste of ambition, but of his anxiety, that if the common lot of mankind should befall him, some sketch and determination of the matter his mind had embraced might be extant, as well as an earnest of his will being honourably bent upon promoting the advantage of mankind. He assuredly looked upon any other ambition as beneath the matter he had undertaken; for that which is here treated of is either nothing, or it is so great that he ought to be satisfied with its own worth, and seek no other return.

(*a*) See vol. ix. p. 150.

(*b*) See vol. ix. from p. 5.

1. Divisions of the Sciences.
2. Novum Organum; or, Precepts for the Interpretation of Nature.
3. Phænomena of the Universe; or, Natural and Experimental History on which to found Philosophy.
4. Scale of the Understanding.
5. Precursors or Anticipations of the Second Philosophy.
6. Sound Philosophy, or Active Science.

And with respect to each of these parts he explains his intentions.

Division of the Sciences.

As to the first, or THE DIVISION OF THE SCIENCES, he, in 1605, had exhibited an outline in the Advancement of Learning, (*a*) and lived nearly (*b*) to complete it in the year 1623. (*c*) In this treatise he describes the cultivated parts of the intellectual world and the desarts; (*d*) not to measure out regions, as augurs for divination, but as generals to invade for conquest.

The Novum Organum.

THE NOVUM ORGANUM is a treatise upon the conduct of the understanding in the systematic discovery of truth, or the art of invention by a *New Organ:* (*e*) as, in inquiring into any nature, the hydrophobia, for instance, or the attraction of the magnet, the Novum Organum explains a mode of proceeding by which its nature and laws may with certainty be found.

It having been Bacon's favourite doctrine, that important

(*a*) See vol. viii. See ante, p. cxxxv.

(*b*) Not entirely, see the De Aug. vol. ix. p. 83, where his Justitia Universalis is unfinished.

(*c*) Vol. viii. (*d*) Ante, p. cxxi.

(*e*) The object of the second part is the doctrine touching a better and more perfect use of reasoning in the investigation of things, and the true helps of the understanding; that it may by this means be raised, as far as our human and mortal nature will admit, and be enlarged in its powers so as to master the arduous and obscure secrets of nature.

truths are often best discovered in small and familiar instances, (*a*) as the nature of a commonwealth, in a family

(*a*) Experiments familiar and vulgar, to the interpretation of nature do as much, if not more, conduce than experiments of a higher quality. Certainly this may be averred for truth, that they be not the highest instances, that give the best and surest information. This is not unaptly expressed in the tale, so common, of the philosopher, who while he gazed upward to the stars fell into the water; for if he had looked down, he might have seen the stars in the water, but looking up to heaven he could not see the water in the stars. In like manner, it often comes to pass that small and mean things conduce more to the discovery of great matters than great things to the discovery of small matters; and therefore Aristotle notes well, that the nature of every thing is best seen in its smallest portions. For that cause he inquires the nature of a commonwealth, first, in a family and the simple conjugations of society; man and wife; parents and children; master and servant, which are in every cottage. So likewise the nature of this great city of the world, and the policy thereof, must be sought in every first concordances and least portions of things. So we see that secret of nature (esteemed one of the great mysteries) of the turning of iron touched with a loadstone towards the poles, was found out in needles of iron, not in bars of iron.

Consider obvious and common things.—Newton retired from the University to avoid the plague, which raged with great violence. Sitting under a tree in an orchard, an apple fell upon his head.—As there is motion, there must be a force which produces it. Is this force of gravity confined to the surface of the earth, or does it extend to heavenly bodies?

"See," Bacon says, "the little cloud upon glass or blades of swords, and mark well the discharge of that cloud, and you shall perceive that it ever breaks up first in the skirts, and last in the midst. May we not learn from this the force of union, even in the least quantities and weakest bodies, how much it conduceth to preservation of the present form, and the resisting of the new? In like manner, icicles if there be water to follow them, lengthen themselves out in a very slender thread, to prevent a discontinuity of the water; but if there be not a sufficient quantity to follow, the water then falls in round drops, which is the figure that best supports it against discontinuation; and at the very instant when the thread of water ends, and the falling in drops begins, the water recoils upwards to avoid being discontinued. So in metals, which are fluid upon fusion, though a little tenacious, some of the mettled mass frequently springs up in drops, and sticks in that form to the sides of the crucible. There is a like instance in the looking-glasses, commonly made of spittle by children, in a loop of rush or whalebone, where we find a constant pellicle of water."

and the simple conjugations of society, man and wife, parents and children, master and servant, which are in every cottage; and as he had early taught that all truths, however divisible as lines and veins,(*a*) are not separable as sections and separations, but partake of one common essence, which, like the drops of rain, fall separately into the river, mix themselves at once with the stream, and strengthen the general current, it may seem extraordinary that it should not have occurred to him that the mode to discover any truth might, possibly, be seen by the proceedings in a court of justice, where the immediate and dearest interests of men being concerned, and great intellect exerted, it is natural to suppose that the best mode of invention would be adopted.

In a well constituted court of justice the Judge is without partiality. He hears the evidence on both sides, and the reasoning of the opposite advocates. He then forms his judgment. This is the mode adopted by Bacon in the Novum Organum for the discovery of all truths. He endeavours to make the Philosopher in his study proceed as a Judge in his court.

For this purpose his work is divisible into three parts: 1st. The removal of prejudice, or the destruction of idols, or modes by which the judgment is warped from the truth. 2ndly. By considering facts on both sides; as if the inquiry be into the nature of heat, by considering all the affirmative and negative instances of heat,

Affirmative Table.	*Negative Table.*
The Sun's direct rays.	The Moon's rays.
Blood of Terrestrial Animals.	Blood of Fish.
Living Animals.	Dead Animals.
&c.	&c.

(*a*) Adv. of Learning, vol. ii. p. 153. De Aug. vol. viii. p. 205.

3rdly. By explaining the mode in which the facts presented to the senses ought by certain rules to be examined.

As the commander of an army, before he commences an attack, considers the strength and number of his troops, both regular and allies; the spirit by which they are animated, whether they are the lion, or the sheep in the lion's skin; the power of the enemy to which he is opposed; their walled towns, their stored arsenals and armouries, their horses and chariots of war, elephants, ordnance and artillery, and their races of men; and then in what mode he shall commence his attack and proceed in the battle: so, before man directs his strength against nature, and endeavours to take her high towers and dismantle her fortified holds, and thus enlarge the borders of his dominion, (*a*) he ought duly to estimate,

1st. His powers natural and artificial for the discovery of truth.
2nd. His different motives for the exercise of his powers.
3rd. The obstacles to which he is opposed; and,
4th. The mode in which he can exert his powers with most efficacy, or the Art of Invention.

Of these four requisites, therefore, a perfect work upon the conduct of the understanding ought, as it seems, to consist: but the Novum Organum is not thus treated. To system Bacon was not attached: (*b*) for "As young

(*a*) See Bacon, in the beginning of his tract on the Philosophy of Man. See also Diderot de l'Interprétation de la Nature, where he says, "que tous nos efforts se trouvassent réunis et dirigés en même temps contre la résistance de la nature." There is the same expression in South's sermon on Human Perfection, viz. "thereby extending the bounds of apprehension and enlarging the territories of reason."

(*b*) See Advancement of Learning, vol. ii. p. 203. See also note D, vol. ii. p. 384.

men, when they knit and shape perfectly, do seldom grow to a farther stature, so knowledge, while it is in aphorisms and observations, it is in growth; but when it once is comprehended in exact methods, it may perchance be farther polished and illustrated, and accommodated for use and practice; but it increaseth no more in bulk and substance. (*a*)

Our powers.

Instead of explaining our different powers, our *Senses*, our *Imagination*, our *Reason*, there are in the Novum Organum only some scattered observations upon the defects of the senses;—upon the different causes or idols by which the judgment is always liable to be warped, and some suggestions as to the artificial helps to our natural powers in exploring the truths which are exhibited to the senses.

Defects of the senses.

With respect to the defects of the senses, he says that things escape their cognizance by seven modes: (*b*)

1st. From distance; which is remedied by substitutes, as beacons, bells, telegraphs, &c.

2nd. By the interception of interposing bodies; which is remedied by attention to outward or visible signs, as the internal state of the body by the pulse, &c.

3rd. By the unfitness of the body: or,

4th. Its insufficiency in quantity to impress the sense, as the air and the vital spirit, which is imperceptible by sight or touch.

5th. From the insufficiency of time to actuate the sense, either when the motion is too slow, as in the hand of a clock or the growth of grass, or too rapid, as a bullet passing through the air.

(*a*) See Advancement of Learning, vol. ii. p. 48.

(*b*) See what he terms citing Instances, vol. ix. p. 305.

6th. From the percussion of the body being too powerful for the sense, as in looking at the mid-day sun; which is remedied by removing the object from the sense; or by diminishing its force by the interposition of a medium, as smoking tobacco through water; or by reflection, as the sun's rays in a mirror or basin of water: and—

7th. Because the sense is pre-occupied by another object, as by the use of perfumes.

Idols. The defects of the judgment he investigates in a more laborious inquiry. "There are," he says, "certain predispositions which beset the mind of man; certain idols which are constantly operating upon the mind and warping it from the truth; for the mind of man, drawn over and clouded with the sable pavilion of the body, is so far from being like a smooth equal and clear glass, which might sincerely take and reflect the beams of things according to their true incidence, that it is rather like an enchanted glass, full of superstitions, apparitions, and impostures; which idols are of such a pernicious nature, that, if they once take root in the mind, they will so possess it that truth can hardly find entrance; and, even should it enter, they will again rise up, choke, and destroy it." (*a*)

Division of Idols. These idols are of two sorts: 1st, common to all men, therefore called Idols of the Tribe, including the defects of words, called Idols of the Market; 2nd, peculiar to peculiar individuals, either from their original conformation, or from their education and pursuits in life, called Idols of

(*a*) Locke on the conduct of the Understanding says, "Men do not look through glasses which represent images in their true forms and colours; for they put coloured spectacles before their eyes, and look on things through false glasses, and then think themselves excused in following the false appearances which they themselves put upon them."

the Den, including the errors from particular opinions, called Idols of the Theatre. So that his doctrine of idols may be thus exhibited:

1. Of the Tribe.—Of the Market.
2. Of the Den. — Of the Theatre.

Idols of the Tribe.

The *Idols of the tribe*, or warps to the judgment by which all mankind swerve from the truth, are of two classes: 1st. When man is under the influence of a passion more powerful than the love of truth, as worldly interest, crying, "Great is Diana of the Ephesians:" or, 2ndly, when, under the influence of the love of truth, he, like every lover, is hurried, without due and cautious inquiry, by the hope of possessing the object of his affections; which manifests itself either in hasty assent, or hasty generalization, *the parents of credulity*:—in tenacity in retaining opinions, *the parent of prejudice*:—in abandoning universality, *the parent of feeble inquiry*: (*a*)—or in indulging in subtleties and refinements and endless inquiry, *the parent of vain speculations*, spinning out of itself cobwebs of learning, admirable for their fineness of texture, but of no substance or profit. (*b*)

(*a*) Does not this originate in ignorance of the connexion between all truths, as the quavering upon a stop in music gives the same delight to the ear that the playing of light upon the water, or the sparkling of a diamond, gives to the eye?

(*b*)
- 1. Passions more powerful than love of truth.
  - 1. Worldly interest.
  - 2. Uniformity.
  - 3. Arrangement.
  - 4. Simplicity, &c. &c.
- 2. Love of truth.
  - 1. Hasty
    - Assent.
    - Generalization.
  - 2. Tenacity.
  - 3. Abandoning universality.
  - 4. Endless inquiry, &c. &c.

Idols of the Market.

As men associate by discourse, and words are imposed according to the capacity of the vulgar, a false and improper imposition of words unavoidably possesses the understanding, leading men away to idle controversies and subtleties, irremediable by definitions, which, consisting of words, shoot back, like the Tartar's bow, upon the judgment from whence they came.

These defects of words, or *Idols of the Market*, are either names of non-existences, as the *primum mobile*, the element of fire, &c.; or confused names of existences, as beauty, virtue, &c.; which, from the subtlety of nature being infinite and of words finite, must always exist. Words tell the minutes, but not the seconds. When we attempt to reach heaven, we are stopped by the confusion of languages.

Idols of the Den.

The *Idols of the Den*, or attachment by particular individuals to particular opinions, he thus explains: "We every one of us have our particular den or cavern which refracts and corrupts the light of nature; either because every man has his respective temper, education, acquaintance, course of reading and authorities; or from the difference of impressions, as they happen in a mind prejudiced or prepossessed, or in one that is calm and equal. Of which defects Plato's cave is an excellent emblem: for certainly if a man were continued from his childhood to mature age in a grottoe or dark and subterraneous cave, and then should come suddenly abroad, and should behold the stately canopy of heaven and the furniture of the world, without doubt he would have many strange and absurd imaginations come into his mind and people his brain. So in like manner we live in the view of heaven, yet our spirits are inclosed in the caves of our bodies, complexions, and customs, which must needs minister unto us infinite images of error and vain opinions,

if they do seldom and for so short a time appear above ground out of their holes, and do not continually live under the contemplation of nature as in the open air." Of these Idols of the Den, the attachment of professional men, divines, lawyers, politicians, &c. to their respective sciences, are glaring instances. (*a*)

(*a*) Medical Antipathy.—Dr. William Hunter, in his introduction to his anatomical lectures, after having referred to the improvements in anatomy by Malpighi and other Italians, says, the senior professors were inflamed to such a pitch, that they endeavoured to pass a law whereby every graduate should be obliged to take the following additional clause to his solemn oath on taking his degree: "You shall likewise swear that you will preserve and defend the doctrine taught in the University of Bononia, viz. that of Hippocrates, Aristotle, and Galen, which has now been approved of for so many ages, and that you will not permit their principles and conclusions to be overturned by any person, as far as in you lies." "Pro toto tui posse," is the expression. "But," says our author, "this was dropt, and the philosophizing with freedom remains to this day."

Antipathy of Divines and Politicians.—The antipathy of these professions is explained by Lord Bacon, in the opening of his treatise "De Augmentis," to which I must content myself in this place by referring.

Antipathy of Sailors.—Soon after the invention of steam-boats, I happened to be on the walk in Greenwich hospital, opposite to the river, when the Margate steam-boat was passing. "I hate them steam-boats," said one of the Greenwich pensioners, walking away in great dudgeon, "they are clean contrary to nature."

Antipathy of Lawyers.—The lawyers, and particularly St. Paul, were the most violent opposers of Christianity. The civilians, upon being taunted by the common lawyers with the cruelty of the rack, answered, "non ex sævitia, sed ex bonitate talia faciunt homines."—In Utopia, when the archbishop objected to the punishment of death for theft, the counsellor answers, "that the law can never be altered without endangering the whole nation."

Pastoret, a French judge, who wrote on penal lays, "Je voudrois pouvoir défendre l'humanité sans accuser notre législation; mais qu'est la loi positive auprès des droits immuables de la justice et de la nature? Des magistrats même, je ne me le dissimule point, sont opposés aux réformes desirés par la nation entière. Nourris dans une connoissance intime de la jurisprudence pénale, ayant pour elle l'attachement si commun pour des idées anciennes, ils y sont encore attachés par un sentiment plus

Idols of the Theatre.

Idols of the Theatre, or depraved theories, are, of course, infinite and inveterate; appearing in that numerous litter of strange, senseless, absurd opinions, which crawl about the world to the disgrace of reason and the wretchedness of mankind.

Destruction of Idols.

Upon the destruction of these Idols, Bacon is unceasing in his exhortations. "They must," he says, "by the lover of truth be solemnly and for ever renounced, that the understanding may be purged and cleansed; for the king-

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noble. Leur vertu a souvent adouci la sévérité de la loi, et elle leur rend chères des maximes qu'ils rendent meilleurs, en leur communiquant l'impression d'une ame tendre et vertueuse. Ce n'est pas eux qu'on doit craindre: ils finissent par être justes. Mais ce qu'on doit redoubter, parce qu'elle ne sait ni pardonner ni se corriger, c'est la médiocrité routinière, toujours prête à accabler de reproches ceux qui ont le courage d'élever leurs pensées et leurs observations au-dessus du niveau auquel elle est condamnée. Ce sont des novateurs, s'écrie-t-elle; c'est une innovation, répètent, avec un souris méprisant, les producteurs des idées anciennes. Tout projet de réforme est à leurs yeux l'effet de l'ignorance ou du délire, et les plus compatissans sont ceux qui daignent vous plaindre de ce qu'ils appellent l'égarement de votre raison. L'admiration pour ce qui est, pour ce qui fut, succède bientôt au mépris pour ce qu'on propose. Ils se croient plus sages que nos pères, ajoue-t-on; et avec ce mot, tout paroît décidé."

During a debate in the House of Lords, June 13, 1827, Lord Tenterden is reported to have said, that it was fortunate that the subject (the amendment of the laws) had been taken up by a gentleman of enlarged mind (Mr. Peel), who had not been bred to the law, for those who were, were rendered dull by habit to many of its defects.

And Lord Bacon says, "Qui de legibus scripserunt, omnes vel tanquam philosophi vel tanquam jurisconsulti argumentum illud tractaverunt. Atque philosophi proponunt multa, dictu pulcra, sed ab usu remota. Jurisconsulti autem suæ quisque patriæ legum (vel etiam Romanorum aut pontificiarum) placitis obnoxii et addicti, judicio sincero non utuntur: sed tanquam e vinculis sermonicentur. Certe cognitio ista ad viros civiles propriè spectat qui optimè nôrunt quid ferat societas humana; quid salus populi: quid æquitas naturalis: quid gentium mores: quid rerum publicarum formæ diversæ: ideòque possint de legibus ex principiis et præceptis, tam æquitatis naturalis quam politices, decernere."

dom of man, which is founded in the sciences, can scarce be entered otherwise than the Kingdom of God, that is, in the condition of little children:" and, with an earnestness not often found in his works, he adds, "If we have any humility towards the Creator; if we have any reverence and esteem of his works; if we have any charity towards men, or any desire of relieving their miseries and necessities; if we have any love for natural truths; any aversion to darkness, any desire of purifying the understanding, we must destroy these idols, which have led experience captive, and childishly triumphed over the works of God; and now at length condescend, with due submission and veneration, to approach and peruse the volume of the creation; dwell some time upon it, and bringing to the work a mind well purged of opinions, idols, and false notions, converse familiarly therein. This volume is the language which has gone out to all the ends of the earth, unaffected by the confusion of Babel; this is the language that men should thoroughly learn, and not disdain to have its alphabet perpetually in their hands; and in the interpretation of this language they should spare no pains, but strenuously proceed, persevere, and dwell upon it to the last."

Such is a faint outline of Bacon's celebrated doctrine of Idols, which has sometimes been supposed to be the most important of all his works, and to expose the cause of all the errors by which man is misled.

Upon the *motives* by which the lover of truth, seeking nature with all her fruits about her, can alone be actuated, and which he has explained in other parts of his works, (*a*) he, in the Novum Organum, contents himself with saying, "We would in general admonish all to consider the true

Our motives.

(*a*) See ante, p. x.

ends of knowledge, and not to seek it for the gratification of their minds, or for disputation, or that they may despise others, or for emolument, or fame, or power, or such low objects, but for its intrinsic merit and the purposes of life." (*a*)

Obstacles. The obstacles to the acquisition of knowledge are:

- 1. Want of time, and
  - 1. Worldly occupation.
  - 2. Sickness.
  - 3. Shortness of life.
- 2. Want of means.

Want of time. Upon the obstacles *from want of time*, more imaginary than real, if time is not wasted in frivolous pursuits, in sensuality or in sleep, in misapplication of times of recreation, or in idle curiosity, the Novum Organum contains but one casual, consolatory observation: "We judge also that mankind may conceive some hopes from our example, which we offer, not by way of ostentation, but because it may be useful." (*b*)

Want of means. The obstacles to the acquisition of knowledge from want of means he through life deeply felt, and he never omitted an opportunity earnestly to express his hope that it would be diminished or destroyed by such a collection of natural history as would shew the world, not as man has made it, not as it exists only in imagination, but as it really exists, as God has made it. (*c*)

(*a*) See vol. v. p. 12. (*b*) See ante, c. ix.

(*c*) In the Advancement of Learning (see vol. ii. p. 95), published in 1605, he notes, as one of the defects of universities, "the want of collections of natural history, and of instruments to assist in experiments, whether appertaining to Vulcan or Dædalus, furnace or engine, without which there cannot be any main proficience in the disclosing of nature." In his fable of Pan, in the Wisdom of the Ancients (vol. iii. p. 11), he explains the exquisite description of nature by the ancients, under the

Anxious to lay the true foundation of philosophy, he, in the Novum Organum, availed himself of the power with which he was entrusted, to induce the King to form such a collection of natural history as he had measured out in

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person of Pan; where, amidst great ingenuity and much beauty, he says, "He is pourtrayed by the ancients with horns on his head, to reach to heaven, because horns are broad at the root and sharp at the ends, the nature of all things being like a pyramis, sharp at the top. For individual or singular things being infinite are first collected into species, which are many also; then from species into generals, and from generals (by ascending) are contracted into things or notions more general; so that at length nature may seem to be contracted into an unity. Neither is it to be wondered at, that Pan toucheth heaven with his horns, seeing the height of nature or universal ideas do in some sort pertain to things divine, and there is a ready and short passage from metaphysic to natural theology." A sentiment which he repeated in 1623, in the treatise De Augmentis, saying, "The sciences are the pyramids supported by history and experience, as their only and true basis; and so the basis of natural philosophy is natural history; the stage next the basis is physic; the stage next the vertical point is metaphysic: as for the cone and vertical point itself (opus quod operatur Deus à principio usque ad finem; the summary law of nature), we do justly doubt, whether man's inquiry can attain unto it."—See vol. viii. p. 90 and 189. He therefore, as a portion of the third part of his Instauration (see Baconiana, 41), resolved himself to commence this arduous undertaking, in a work entitled Sylva Sylvarum, published years after his death, by his faithful friend and secretary, Dr. Rawley, who says, "I have heard his lordship speak complainingly, that his lordship, who thinketh he deserveth to be an architect in this building, should be forced to be a workman and a labourer, and to dig the clay and burn the brick; and more than that, according to the hard condition of the Israelites at the latter end, to gather the straw and stubble over all the fields, to burn the bricks withal. For he knoweth that except he do it, nothing will be done: men are so set to despise the means of their own good." And, in his New Atlantis (vol. ii. p. 322), he preferred assisting in such a collection, as more important than an inquiry into the principles of government and legislation; and he pointed out of what it ought to consist, and the modes by which the obstacles to the acquisition of knowledge, from the expense attendant upon such collections, might be diminished by public lectures and libraries, and by collections and instruments in public institutions.—See ante, p. xiii.

his mind, and such as really ought to be procured; "a great and royal work, requiring the purse of a prince and the assistance of a people." He therefore, in the dedication, and in his presentation letter, urged the King to imitate Solomon, by procuring the compilation and completion of such a natural and experimental history as should be serviceable for raising the superstructure of philosophy: that, at length, after so many ages, philosophy and the sciences may no longer be unsettled and speculative, but fixed on the solid foundation of a varied and well considered experience: (*a*) and in his reply to the King's acknowledgment of the receipt of the Novum Organum, he repeats his hope that the King will aid him in employing the community in collecting a natural and experimental history, as "basis totius negotii;" for who can tell, now this mine of truth is opened, how the veins go, and what lieth higher, and what lieth lower." (*b*)

Such were the hopes in which he indulged. So difficult is it to love and be wise. The King complimented him upon his work, saying, that "like the peace of God, it passeth all understanding;" (*c*) but of a collection of natural history "*ne verbum quidem.*" (*d*)

Annexed to this doctrine of idols, there are some inquiries into the signs of false philosophy; (*e*)—the causes

(*a*) Vol. ix. p. 150, and vol. xiv. p. 4.
(*b*) Vol. ix. p. xvi.
(*c*) Ante, p. lxxxvi.
(*d*) See vol. ix. preface, p. xxvi.

(*e*) The signs of false philosophy are, he says,* 1. Their origin. 2. Their fruit, whether barren or productive, whether producing disputations, thistles and thorns, or grapes and olives. 3. Their progress, whether being founded in

* Aph. 71, 2, 3, 4, 5, 6, 7, vol. ix. p. 221 to 229; vol. xiv. p. 51 to 56.

of the errors in philosophy; (*a*)—and the grounds of hope that knowledge must be progressive: (*b*)—hopes which he

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nature, they grow, or against nature are mules, and stationary. 4. The confession of authors. 5. The disagreement amongst the professors, shewing that the way from sense to the understanding is not well guarded. 6. Consent, the most fatal and lethargic of all signs.

(*a*) The causes of the numerous and prevalent errors and their continuance through so many ages are, he says,* 1. A scantiness of times, suited to knowledge. 2. The neglecting natural philosophy, the mother of the sciences. 3. The considering natural philosophy only as a passage to other things, thus degrading the mother of the sciences to the office of a handmaid. 4. Mistaking the end of knowledge. 5. Mistaking the road. 6. Improper reverence for antiquity and authors. 7. Admiration of existing works. 8. Imagination of plenty. 9. The absurdities of projectors. 10. The pusillanimity of inventors. 11. Superstition and the blind furious zeal of religion. 12. The customs and institutions of universities. 13. Despair and supposition of impossibilities.

(*b*) The hopes that knowledge will be progressive are stated, he says, in imitation of Columbus, who, before he undertook his expedition through the Atlantic ocean, assigned his reasons why he expected to find new lands and continents.† These reasons are: 1. General intercourse. 2. Knowledge of the errors of past times. 3. The union of the experimental and rational faculties: not like the empirics, who, as ants, lay up stores and use them; or the rationalists who, like spiders, spin webs out of themselves: but like the bee, gathering her matter from the flowers of the field and garden, and digesting and preparing it by her native powers. 4. Pure and unmixed natural

* Aph. 78, 9, 80-1 to 92, vol. ix. p. 228; vol. xiv. p. 56.

† Aph. 93 to 115, vol. ix. p. 249; vol. xiv. p. 69.

had beautifully stated in the conclusion of his Advancement of Learning. (*a*)

Right road.

After having thus cleared the way by considering the modes by which we are warped from the truth; by which, formed to adore the true God, we fall down and worship an idol: (*b*) after having admonished us, that, in the conduct of the understanding, a false step may be fatal, that a cripple in the right will beat a racer in the wrong way, erring in proportion to his fleetness, he expresses his astonishment that no mortal should have taken care to open and prepare a way for the human understanding from sense and a well conducted experience, but that all things should be left either to the darkness of tradition, the giddy agitation and whirlwind of argument, or else to the uncertain waves of accident, or a vague and uninformed experience. To open this way, to discover how our reason shall be guided, that it may be right, that it be not a blind guide, but direct us to the place where the star appears, and point us to the very house where the babe lieth, is the great object of this inquiry.

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philosophy. 5. The regeneration of sciences. 6. Supply of natural history. 7. Supply of mechanical experiments. 8. The orderly conducting experience. 9. The not trusting to inventions, except in writing. 10. Tables of invention. 11. Proper use of tables of invention. 12. Proper conduct of understanding. 13. Proper induction which is the greatest hope. 14. Privation of reading, and dismembering the sciences. 15. Systematic, instead of accidental invention. 16. The not forming conjectures of new things from examples of existing inventions. 17. The use of literate experience. 18. Knowledge of the nature of useless inquiry and idle curiosity. 19. Multitude of particulars. 20. Division of labour. 21. Experimenting.

(*a*) Ante, p. cxxxvi. (*b*) See his essay "Of Love," vol. i. p. 31.

...refore, his first object; but, as ... history is so copious and dif- ...and distract the understanding, ...per order, tables are formed and so ...derstanding may commodiously work

TABLE I.

...rmative Table, consists of a general ... known analogous instances (*a*) which ... sought, from subjects however dis- ...they may be supposed to be, and without ...the apparent number of particulars. Affirmative table.

...e, the nature sought be heat or light, ...be thus conceived:

	Light.
...rays.	The Heavenly Bodies.
...	Rotten Wood.
	Putrid scales of Fish.
...ial Animals.	Glow Worms.
	Sugar scraped.
...ted.	Eyes of certain Animals.
	Drops of Salt Water from ours.
	Silk stockings rubbed.
	&c. &c.

...he object of his first or affirmative table, which, ...his reader, is not to raise the edifice, but merely ...the materials, and which is, therefore, to be ...t any hasty indulgence of speculation, although ...y, in proportion to its ingenuity, (*b*) acciden- ... inspection of affirmative instances, arrive at ...ion.

(*a*) Nov. Org. Aph. x. L. 2. See vol. ix. p. 299.
(*b*) See Aph. 30. Nov. Org. L. 1. vol. ix. p. 283.

God, and to the sense, which is God's lamp, *Lucerna Dei Spiraculum Hominis*, will inquire, with all sobriety and severity, whether there is to be found, in the footsteps of nature, any such transmission and influx of immateriate virtues." (*a*)

In this state of darkness was society involved, when Bacon formed his Art of Invention, which consists in collecting all bodies that have any affinity with the nature sought; and in a systematic examination of the bodies collected.

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having cut his hand, asked me to view his wounds; 'For I understand,' said he, 'that you have extraordinary remedies upon such occasions, and my surgeons apprehend some fear that it may grow to a gangrene, and so the hand must be cut off.' I told him that I would willingly serve him. I asked him then for any thing that had the blood upon it; so he presently sent for his garter, wherewith his hand was first bound: and having called for a bason of water, as if I would wash my hands, I took a handful of powder of vitriol, which I had in my study, and presently dissolved it. As soon as the bloody garter was brought me, I put it within the bason, observing in the interim what Mr. Howel did, who stood talking with a gentleman in a corner of my chamber, not regarding at all what I was doing; but he started suddenly, as if he had found some strange alteration in himself. I asked him what he ailed? 'I know not what ails me, but I find that I feel no more pain; methinks that a pleasing kind of freshness, as it were a wet cold napkin did spread over my hand, which hath taken away the inflammation that tormented me before.' I replied, since that you feel already so good an effect of my medicament, I advise you to cast away all your plaisters, only keep the wound clean. After dinner I took the garter out of the water, and put it to dry before a great fire; it was scarce dry, but Mr. Howell's servant came running, and told me, that his master felt as much burning as ever he had done, if not more, for the heat was such as if his hand were betwixt coals of fire. I answered, that although that had happened at present, yet he should find ease in a short time; for I knew the reason of this new accident, and I would provide accordingly, for his master should be free from that inflammation, it may be before he could possibly return unto him. Thereupon he went, and at the instant I did put again the garter into the water; thereupon he found his master without any pain at all. Within five or six days the wounds were cicatrized and entirely healed."

(*a*) See Century x. of Sylva, vol. iv. p. 487, a tract containing materials for a work upon Imagination, most deserving consideration.

To discover facts is, therefore, his first object; but, as natural and experimental history is so copious and diffusive as to confound and distract the understanding, unless digested in proper order, tables are formed and so digested, that the understanding may commodiously work upon them.

TABLE I.

The first, or Affirmative Table, consists of a general collection of all the known analogous instances (*a*) which agree in the nature sought, from subjects however dissimilar or sordid they may be supposed to be, and without being deterred by the apparent number of particulars. Affirmative table.

If, for instance, the nature sought be heat or light, these tables may be thus conceived:

Heat.	*Light.*
The Sun's direct rays.	The Heavenly Bodies.
Forked Lightning.	Rotten Wood.
Flame.	Putrid scales of Fish.
Blood of Terrestrial Animals.	Glow Worms.
Living Animals.	Sugar scraped.
Pepper masticated.	Eyes of certain Animals.
&c. &c.	Drops of Salt Water from ours.
	Silk stockings rubbed.
	&c. &c.

Such is the object of his first or affirmative table, which, he warns his reader, is not to raise the edifice, but merely to collect the materials, and which is, therefore, to be made without any hasty indulgence of speculation, although the mind may, in proportion to its ingenuity, (*b*) accidentally, from an inspection of affirmative instances, arrive at a just conclusion.

(*a*) Nov. Org. Aph. x. L. 2. See vol. ix. p. 299.
(*b*) See Aph. 30. Nov. Org. L. 1. vol. ix. p. 283.

TABLE II.

Negative table.

The second, or Negative Table,(*a*) consists of a collection of all the known instances of similar bodies, which do not agree in the same nature.—Thus let the nature sought be heat.

Affirmative Table.	*Negative Table.*
The Sun's direct rays.	The Moon's rays.
Blood of Terrestrial Animals.	Blood of Fish.
Living Animals.	Dead Animals.
Boiling Water.	Ice.
&c. &c.	&c. &c.

By observing this table, it appears that the blood of all animals is not hot. This table, therefore, prevents hasty generalization. "As if Samuel should have rested in those sons of Jesse which were brought before him in the house, and should not have sought David who was absent in the field."

By observing the table, it also appears that boiling water is hot; ice is cold:—living bodies are hot; dead bodies are cold;—but in boiling water and in living bodies there is motion of parts: in ice and dead bodies they are fixed. Another use, therefore, of this table is to discover the nature sought, by observing its qualities which are absent in the analogous nature, "like the images of Cassius and Brutus, in the funeral of Junia;" of which, not being represented as many others were, Tacitus saith, "*Eo ipso præfulgebant quod non visebantur.*"

(*a*) Aph. 12. Nov. Org. L. 2. vol. ix. p. 301.

TABLE III.

The third, or table of Comparisons, (*a*) consists of comparisons of quantity of the nature sought in the same bodies and in different bodies. Thus, Table of Comparisons.

COMPARISONS OF HEAT.

In different bodies.	*In the same body.*
There is no solid body naturally hot.	*In Animals.*
All bodies are in different degrees capable of heat.	Animal heat varies from minute perceptibility to about the heat of the hottest day. It is always endurable. It is increased by food, venery, exercise, fever, &c.
There is no whole vegetable hot to the external touch.	In some fevers the heat is constant, in others intermittent, &c.
Living animals.	Heat varies in different parts of the same body.
Flame.	Animals differ in heat, &c.
Anvil struck by hammer.	*Flame.*
The continuance of a body in heat.	1. The lambent flame, related by historians to have appeared on the heads of children, gently playing about the hair.
Boiling water.	2. The coruscations seen in a clear night on a sweating horse.
Pepper masticated.	3. Of the glow-worm. 4. Of the ignis fatuus. 5. Of spirits of wine.
Boiling lead.	6. Of vegetables, straw, dry leaves.
Gas.	7. Of boiling metals.
Lightning.	8. Of blast furnaces.
Acids.	
&c. &c.	

By observing in this table the cause of the different quantities of the nature sought, some approximation may be made to the nature itself. Thus vegetables, or common water, do not exhibit heat to the touch, but masticated pepper or boiling water are hot. Flame is hotter than the human body: boiling water than warm. Is there any difference except in the motion of the parts?

(*a*) Aph. 13. Nov. Org. L. 2. vol. ix. p. 313.

TABLE IV.

Table of Exclusions

Or of Exclusions, is of a more complicated nature. Bacon assumes that the quality of any nature can be ascertained by its being always present when the sought nature is present: is always absent when the sought nature is absent: increases always with its increase, and decreases with its decrease.

Upon this principle his table of exclusions is formed, by excluding, 1st, such particular natures as are not found in any instances where the given nature is present; or 2nd, such as are found in any instances where that nature is absent; and 3rd, such as are found to increase in any instance when the given nature decreases; or 4th, to decrease when that nature increases. Thus,

Natures not always present with the sought nature.		*Nature varying according to some inverse law of the sought nature.*	
Which may be absent when the sought nature is present.	Which may be present when the sought nature is absent.	Which may increase as the sought nature decreases.	Which may decrease as the sought nature increases.
Light. Quiescence of parts. &c.	Fluidity. Motion of the whole body. Quiescence of parts.	Quiescence of parts. &c.	Light. Iron may be heated to a greater heat than the flame of spirit of wine. Quiescence of parts. &c.

The object of this exclusion is to make a perfect resolution and separation of nature, not by fire but by the mind, which is, as it were, the divine fire: that, after this rejection and exclusion is duly made, the affirmative, solid, true, and well defined form will remain as the result of the operation, whilst the volatile opinions go off in fume.

TABLE V.

The fifth table of Results, termed the first vintage or dawn of doctrine, consists of a collection of such natures as always accompany the sought nature, increase with its increase, and decrease with its decrease. Table of Results.

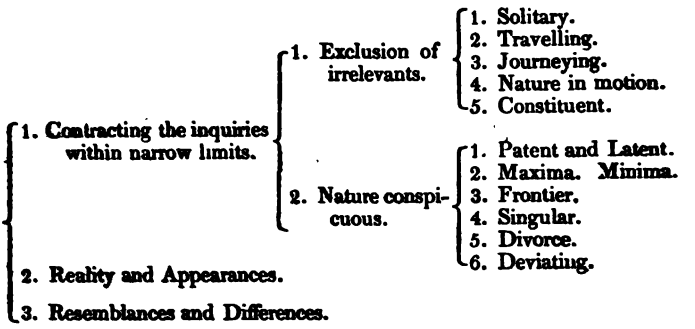
It appears, that, in all instances, the nature of heat is motion of parts;—flame is perpetually in motion;—hot or boiling liquors are in continual agitation;—the sharpness and intensity of heat is increased by motion, as in bellows and blasts;—existing fire and heat are extinguished by strong compression, which checks and puts a stop to all motion;—all bodies are destroyed, or at least remarkably altered, by heat; and, when heat wholly escapes from the body, it rests from its labours; and hence it appears, that heat is motion, and nothing else.

Having collected and winnowed, by the various tables, the different facts presented to the senses, he proposed to examine them by nine different processes: (*a*) of which he has investigated only the first, (*b*) or PREROGATIVE

(*a*) 1. Prerogative instances. 2. The helps of induction. 3. The rectification of induction. 4. The method of varying inquiries, according to the nature of the subject. 5. Prerogative natures for inquiry, or what subjects are to be inquired into first, what second. 6. The limits of inquiry, or an inventory of all the natures in the universe. 7. Reducing inquiries to practice, or making them subservient to human uses. 8. The preliminaries to inquiry. 9. The ascending and descending scale of Axioms.

(*b*) Nor was any thing afterwards published towards executing the rest, though it appears that the whole design was laid from the first, and that, at times, the other parts were gone on with, after the present piece was published. The want of these additional sections may, perhaps, be in some

INSTANCES, those instances by which the nature sought is most easily discovered. They may be thus exhibited:



1. EXCLUSION OF IRRELEVANTS.

Solitary. *Solitary Instances.*—If the inquiry be into the nature of colour: a rainbow and a piece of glass in a stable window, differ in every thing except in the prismatic colours; they are therefore solitary in *resemblance*. The different parts of the same piece of marble, the different parts of a leaf of a variegated tulip, agree in every thing, save the colour; they are, therefore, solitary in *difference*.

By thus contracting the limits of the inquiry, may it not possibly be inferred, that colour depends upon refraction of the rays of light?

Motion. *Nature in motion.*—Observe nature in her processes. If any man desired to consider and examine the contrivances and industry of a certain artificer, he would not be content to view only the rude materials of the workman, and then

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measure supplied by a close attention to the present doctrine of Instances. But, in order to render the whole more generally intelligible and useful, it were greatly to be wished that some tolerably qualified person would give an essay upon it, in as familiar a manner as the subject will allow. See Dr. Hook's Method of improving Natural Philosophy.—Shaw.

immediately the finished work, but covet to be present whilst the artist prosecutes his labour, and exercises his skill. And the like course should be taken in the works of nature.

Travelling Instances.— In inquiring into any nature, observe its progress in approaching to or receding from existence. Let the inquiry be into the nature of whiteness. Take a piece of clear glass and a vessel of clear water, pound the glass into fine dust and agitate the water, the pulverised glass and the surface of the water will appear white; and this whiteness will have travelled from non-existence into existence.—Again, take a vessel full of any liquor with froth at the top, or take snow, let the froth subside and the snow melt; the whiteness will disappear, and will have travelled from existence to non-existence. Travelling.

Journeying Instances.—In inquiring into any nature, observe its motions gradually continued or contracted. An inquirer into the vegetation of plants should have an eye from the first sowing of the seed, and examine it almost every day, by taking or plucking up a seed after it had remained for one, two, or three days in the ground; to observe with diligence—when, and in what manner the seed begins to swell, grow plump, and be filled, or become turgid, as it were, with spirit;—next, how it bursts the skin, and strikes its fibres with some tendency upwards, unless the earth be very stubborn;—how it shoots its fibres, in part, to constitute roots downwards; in part, to form stems upwards, and sometimes creeping sideways, if it there find the earth more open, pervious, and yielding, with many particulars of the same kind. And the like should be done as to eggs during their hatching, where the whole process of vivification and organization might be easily viewed; and what becomes of the yolk, what of the white, &c. The same is also to be attempted in inanimate Journeying

bodies; and this we have endeavoured after, by observing the ways wherein liquors open themselves by fire; for water opens one way, wine another, verjuice another, and milk, oil, &c. with a still greater difference.

Constituent.

Constituent Instances.—In inquiring into any nature, separate complex into simple natures. Let the nature sought be memory, or the means of exciting and helping the memory; the constituent instances may be thus exhibited:

- 1. The art of making strong impressions.
  - 1. The patient.
    - 1. The mind free.
    - 2. The mind agitated.
  - 2. The agent.
    - 1. Variety of impression.
    - 2. Slowness of impression.
- 2. The art of recalling impressions.
  - 1. Cutting off infinity.
    - 1. Order.
    - 2. Places for artificial memory.
    - 3. Technical memory.
  - 2. Reducing intellectual to sensible things.

Such are specimens of his mode of excluding *irrelevant* natures.

2. OBSERVING THE NATURE WHERE MOST CONSPICUOUS, OR INSTANCES OF EXTREMES.

Patent.

Patent and Latent Instances.—In inquiring into any nature, observe where the nature, in its usual state, appears most conspicuous, and where it appears in its weakest and most imperfect state.—The loadstone is a glaring instance of attraction. The thermometer is a glaring instance of the expansive nature of heat. Flame (*a*) exhibits its expansive nature to the sense, but it is momentary and vanishes.

(*a*) As the sudden lighting of gas.

—Again, let the inquiry be into the nature of solidity, the contrary of which is fluidity. Froth, snow, bubbles, whether of soap and water blown by children, or those which may be seen occasionally on the surface of a fluid or on the side of a vessel, or the looking-glasses made of spittle by children in a loop of a single hair or a rush, where we see a consistent pellicule of water, like infant ice, exhibit solidity in its most feeble states.

Maxima and Minima.—In inquiring into any nature, observe it in its extremes, or its maxima and minima.—Gold in weight; iron in hardness; the whale in bulk of animal bodies; the hound in scent; the explosion of gunpowder in sudden expansion, are instances of maxima. The minute worms in the skin is an instance of minimum in animal bulk. Maxima.

Frontier Instances.—Observe those species of bodies which seem composed of two species:—as moss, which is something betwixt putrefaction and a plant;—flying fishes, which are a species betwixt birds and fish;—bats, which are betwixt birds and quadrupeds;—the beast so like ourselves, the ape;—the biformed births of animals;—the mixtures of different species, &c. Frontier.

Singular Instances.—In inquiring into any nature, observe those instances, which, in regular course, are solitary amidst their own natures.—Quicksilver amongst metals; the power of the carrier pigeon to return to the place from whence it was carried; the scent of the blood-hound; the loadstone amongst stones; that species of flowers which do not die when plucked from the stalk, but continue their colours and forms unaltered during the winter.—So with grammarians the letter G is held singular for the easiness of its composition with consonants, sometimes with double and sometimes with triple ones, which is a property of no other letter. So the number 9 amongst Singular.

figures possesses the peculiar property, that the sum of the digits of all its multiples is 9. (*a*)

Divorce. *Instances of Divorce.*—Observe the separation of such natures as are generally united.—Light and heat are generally united; but in a cold moonlight night there is light without heat, and in hot water there is heat without light. The action of one body upon another is in general effected by the medium through which it acts; thus sound varies with the state of the atmosphere, and through a thick wall is scarcely perceptible. The magnetic attraction seems to be an instance of divorce, as it acts indifferently through all mediums.

Deviating. *Deviating Instances.*—Observe nature when apparently deviating from her accustomed course; as in all cases of monsters, prodigious births, &c. He who knows the ways of nature will the easier observe her deviations; and he who knows her deviations, will more exactly describe her ways. For the business in this matter is no more than by quick scent to trace out the footways of nature in her wilful wanderings, that so afterward you may be able at your pleasure to lead or force her to the same place and posture again. As a man's disposition is never well known till he be crossed, nor did Proteus ever change shapes till he was straitened and held fast.

Such are specimens of his modes of viewing nature where most conspicuous.

3. FIXING THE REAL, BETWEEN DIFFERENT APPARENT CAUSES.

Crucial. *Crucial Instances.*—When in inquiring into any particular nature the mind is in æquilibrio between two causes,

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(*a*) Thus, $9 \times 2 = 18$ and $8 + 1 = 9$.
$9 \times 3 = 27$ and $2 + 7 = 9$.
$9 \times 11 = 99$ and $9 + 9 = 18$ and $1 + 8 = 9$.

observe if there is not some instance which marks the cause of the sought nature.—Let the nature sought be gravity. Heavy bodies, having a tendency to the earth, must fall *ex mero motu*, from their own construction, or be attracted by the earth. Let two equal bodies fall through equal spaces at different distances from the earth, and if they fall through these equal spaces in unequal times, the descent is influenced by the attraction of the earth.

4. RESEMBLANCES AND DIFFERENCES.

Observe resemblances between apparent differences.—Are not gums of trees and gems produced in the same manner, both of them being only exudations and percolations of juices; gums being the transuded juices of trees, and gems of stones; whence the clearness and transparency of them both are produced by means of a curious and exquisite percolation?—Are not the hairs of beasts and the feathers of birds produced in the same manner, by the percolation of juices? and are not the colours of feathers more beautiful and vivid, because the juices are more subtilely strained through the substance of the quill in birds than through the skins of beasts? (*a*) Do not the celestial bodies move in their orbits by the same laws which govern the motions of bodies terrestrial (*b*)

From the conformity between a speculum and the eye, the structure of the ear and of the cavernous places that

(*a*) Does not an apple fall from a tree, and do not the planets move in their orbits by the same laws?

(*b*) See De Aug. L. iii. p. 169. "Quicunque enim superlunarium et sublunarium conficta divortia contempserit, et materiæ appetitus et passiones maxime catholicas (quæ in utroque globo validæ sunt, et universitatem rerum transverberant) bene perspexerit, is ex illis quæ apud nos cernuntur luculentam capiet de rebus cœlestibus informationem, et ab iis e contra quæ in cœlo fiunt haud pauca de motibus inferioribus qui nunc latent perdiscet; non tantum quatenus hi ab illis regantur, sed quatenus habeant passiones communes."

yield an echo, it is easy to form and collect this axiom, —that the organs of the senses, and the bodies that procure reflections to the senses, are of a like nature. And again, the understanding being thus admonished, easily rises to a still higher and more noble axiom; viz. that there is no difference between the consents and sympathies of bodies endowed with sense, and those of inanimate bodies without sense, only that in the former an animal spirit is added to the body so disposed, but is wanting to the latter; whence, as many conformities as there are among inanimate bodies, so many senses there might be in animals, provided there were organs or perforations in the animal body, for the animal spirit to act upon the parts rightly disposed, as upon a proper instrument. And conversely as many senses as there are in animals, so many motions there may be in bodies inanimate, where the animal spirit is wanting; though there must, of necessity, be many more motions in inanimate bodies than there are senses in animate bodies, because of the small number of the organs of sense. (*a*)

Differences.

Real Differences in apparent Resemblances.—Do any two beings differ more from each other than two human beings? (*b*) Men's curiosity and diligence have been hitherto principally employed in observing the variety of things, and explaining the precise differences of animals, vegetables, and fossils, the greatest part of which variety and

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(*a*) Do not laughter and fear often originate in the same cause, a partial view of the subject which occasions the joy or grief?

(*b*) See the Excursion, B. 9, where there is a noble passage, beginning

> "Alas! what differs more than man from man,
> And whence the difference?"

See the introduction to Hobbes' Leviathan, the passage beginning "For the similitude of the thoughts."

differences are rather the sport of nature, than matters of any considerable and solid use to the sciences. Such things, indeed, serve for delight, and sometimes contribute to practice, but afford little or no true information, or thorough insight into nature; human industry, therefore, must be bent upon inquiring into, and observing the similitudes and analogies of things, as well in their wholes as in their parts; for these are what unite nature, and begin to build up the sciences.

Such are specimens, mere specimens, of this most valuable of all his works, and by him most highly valued. It is written in a plain unadorned style in aphorisms, invariably stated by him to be the proper style for philosophy, which, conscious of its own power, ought to go forth "naked and unarmed;" (*a*) but, from the want of symmetry and ornament, from its abstruseness, from the novelty of its terms, and from the imperfect state in which it was published, it has, although the most valuable, hitherto been too much neglected: but it will not so continue. The time has arrived, or is fast approaching, when the pleasures of intellectual pursuit will have so deeply pervaded society, that they will, to a considerable extent, form the pleasures of our youth; and the lamentation in the Advancement of Learning will be diminished or pass away: "Nevertheless I do not pretend, and I know it will be impossible for me, by any pleading of mine, to reverse the judgment, either of Æsop's cock, that preferred the barley-corn before the gem; or of Midas, that being chosen judge between Apollo, president of the muses, and Pan, god of the flocks, judged for plenty; or of Paris, that judged for beauty and love, against wisdom

(*a*) See note B B B at the end, which contains an account of the various editions and translations of the work, and see preface to vol. ix.

and power; or of Agrippina, 'occidat matrem modo imperet,' that preferred empire with any condition never so detestable; or of Ulysses, 'qui vetulam prætulit immortalitati,' being a figure of those which prefer custom and habit before all excellency; or of a number of the like popular judgments. For these things must continue as they have been: but so will that also continue, whereupon learning hath ever relied, and which faileth not: 'justificata est sapientia a filiis suis.'" (*a*)

(*a*) To this doctrine of Bacon's there have been various objections, which seem to be reducible to two:—1st. That the truth of which Bacon is in search does not exist. 2ndly. That if it do exist, Bacon's is not the mode to discover it.

The first objection is thus stated by Brown, in his work on Cause and Effect: "To those who have a clear notion of the relation of cause and effect, it may be almost superfluous to repeat, that there are no 'forms,' in the wide sense which Lord Bacon gives to that word, as one common operative principle of all changes that are exactly similar. The powers, properties, qualities of a substance, do not depend on any thing in a substance. They are truly the substance itself, considered in relation to certain other substances, and nothing more."

This objection seems to have been anticipated by Bacon,*

* Bacon's words are: "An opinion hath prevailed, and is grown inveterate, that the essential forms and true differences of things can by no diligence of man be found out. Which opinion, in the main, gives and grants us thus much: that the invention of forms is of all other parts of knowledge the worthiest to be sought, if it be possible they may be found. And as for possibility of invention, there are some faint-hearted discoverers, who, when they see nothing but air and water, think there is no further land. But it is manifest that Plato, a man of an elevated wit, and who beheld all things as from a high cliff, in his doctrine of ideas did descry that forms were the true objects of knowledge; however he lost the real

Copies of the work were sent to the King, the University of Cambridge, Sir Henry Wotton, and Sir Edward Coke.

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who says, "By the word 'form' is meant such a nature as is always present when the sought nature is present; is absent when the sought nature is absent: increases with its increase, and decreases with its decrease. Thus the form of heat is some peculiar motion always present when heat is present, as in flame; absent, when it is absent, as in extinguished flame; increasing with its increase, as in raging flame; decreasing in its decrease, as in expiring flame. Now, although the effect of this heat will be different, according to the body, whether living or dead, upon which it acts, it seems not to be very sound reasoning to infer that the agent does not exist because the patient varies. The laws of light exist, although light does not produce the sensation upon a speculum which it produces on the eye: the laws of sound exist, although the sensation which is produced on the ear is not produced on the cavernous places that yield an echo."

fruit of this most true opinion, by contemplating and apprehending forms, as absolutely abstract from matters, and not confined and determined by matter; whereupon it came to pass that he turned himself to theological speculations, which infected and distained all his natural philosophy. But if we keep a watchful and a severe eye upon action and use, it will not be difficult to trace and find out what are the forms; the disclosure whereof would wonderfully enrich and make happy the estate of man."

"And if any one shall think that our forms have somewhat abstracted in them, because they appear to mix and join together things that are heterogeneous, as the heat of the celestial bodies and the heat of fire; the fixed redness of a rose, and the apparent redness of the rainbow, the opal, or the diamond; death by drowning, and death by burning, stabbing, the apoplexy, consumption, &c. which, though very dissimilar, we make to agree in the nature of heat, redness, death, &c. he must remember that his own understanding is held and detained by custom, things in the gross, and opinions. For it is certain, that the things above mentioned, however heterogeneous and foreign they may seem, agree in the form, or law, that ordains heat, redness, and death."

1620. Æt. 60. The tranquil pursuits of philosophy he was now, for a time, obliged to quit, to allay if possible the political

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The second objection is thus stated by Mr. Coleridge, in his Friend: "Let any unprejudiced naturalist turn to Lord Bacon's questions and proposals for the investigation of single problems; to his Discourse on the Winds; and put it to his conscience, whether any desirable end could be hoped for from such a process; or to inquire of his own experience, or historical recollections, whether any important discovery was ever made in this way. For though Bacon never so far deviates from his own principles, as not to admonish the reader that the particulars are to be thus collected, only that by careful selection they may be concentrated into universals; yet so immense is their number, and so various and almost endless the relations in which each is to be separately considered, that the life of an antediluvian patriarch would be expended, and his strength and spirits have been wasted, in merely polling the votes, and long before he could commence the process of simplification, or have arrived in sight of the law which was to reward the toils of the over-tasked Psyche."

This objection was also anticipated by Bacon.* "To arrive," he says, "at an indisputable conclusion, every instance should be collected, as the different creatures, every beast of the field, and every fowl of the air were

* Bacon says, "Let no man shrink at the multitude of particulars required, but turn this also to an argument of hope. For the particular phenomena of arts and nature are all of them like sheaves, in comparison of the inventions of genius, when disjoined and metaphysically separated from the evidence of things. The former road soon ends in an open plain, whilst the other has no issue, but proves an infinite labyrinth; for men have hitherto made little stay in experience, but passed lightly over it; and, on the other hand, spent infinite time in contemplation and the inventions of genius, whereas if we had any one at our elbow who could give real answers to the questions we should put about nature, the discovery of causes and of all the sciences would be a work but of a few years."

storm in which the state was involved, and which he vainly thought that he had the power to calm. It is scarcely possible for any Chancellor to have been placed in a situation of greater difficulty. He knew the work that must be done and the nature of his materials.

The King, who was utterly dependent upon the people, was every day resorting to expedients which widened the breach between them: despotic without dignity, and profuse without magnificence, meanly grasping, and idly scattering, neither winning their love, nor commanding their reverence, he seemed in all things the reverse of his illustrious predecessor, except in what could be well spared, the arbitrary spirit common to them both. While the people were harassed and pillaged by the wretches to whom the King had delegated his authority, he reaped only part of the spoil, but all the odium.

The Chancellor had repeatedly assured the King that his best interests, which consisted in a good understanding with his subjects, could be maintained only by calling frequent parliaments: advice not likely to be acceptable to a monarch who had issued a proclamation, (*a*) commanding all his people, from the highest to the lowest,

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brought to Adam in paradise to see what he should call them,* yet such an attempt is beyond the reach of our limited natures." To proceed, however, with certainty, the collection and comparison of similar natures must be made, and is made by society at large, when, after the lapse of centuries, the instances having been collected and examined, we arrive at a sound conclusion, not unfrequently at the same time, by different persons at different parts of the globe.

(*a*) 23rd Nov. 1620.

* See Advancement of Learning, vol. ii. p. 55.

not to intermeddle, by pen or speech, with state concernments and secrets of empire, at home or abroad, which were not fit themes for common meetings or vulgar persons;" but, whatever their secret dissatisfaction might be, the whole body of the nation manifested so much zeal for the recovery of the palatinate, that the juncture was deemed favourable for relieving the King's pecuniary difficulties, who consented with this view to summon a parliament.

This resolution was no sooner formed, than the Chancellor was instructed to confer with the most proper persons as to the best means of carrying it into effect; and he accordingly availed himself of the assistance of the two Chief Justices, and of Serjeant Crew, who, after mature deliberation, agreed upon four points, which were immediately communicated to his Majesty and to Buckingham. (*a*)

Different days were fixed for the meeting of this eventful parliament, which was called with a full knowledge of the King's motive for summoning them; and that, had not the expedient respecting benevolences wholly failed, this council of the nation would never have been assembled; as the King considered the Commons "daring encroachers

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(*a*) *First*, the perusing former grievances.

Secondly, the consideration of a proclamation rather monitory than exclusive.

Thirdly, what persons were fit to be of the house, tending to make a sufficient and well composed parliament of the ablest men of the kingdom, fit to be advised with, *circa ardua regni*.

Fourthly, the having ready some commonwealth bills, that may add respect and acknowledgement of the King's care.

See letter, vol. xii. p. 267.

upon his prerogative endeavouring to make themselves greater, and their prince less than became either."

Previous to the meeting, the Lord Chancellor was raised to the dignity of Viscount St. Alban, (*a*) by a patent which stated that the King had conferred this title because he thought nothing could adorn his government more, or afford greater encouragement to virtue and public spirit, than the raising worthy persons to honour; and with this new dignity, he, on the 27th day of January, was with great ceremony invested at Theobalds, the patent being

(*a*) The preamble to the patent, which was witnessed by the most illustrious peers of the realm, the Prince of Wales, the Viscount Maundeville, Lord High Treasurer; the Earl of Worcester, Lord Privy Seal; Marquis of Buckingham, Lord High Admiral; Marquis Hamilton, Earls of Pembroke, Arundel, Rutland, Montgomery, March, and Holderness, states, that as the King "thought nothing could adorn his government more, or afford greater encouragement to virtue and public spirit, than the raising worthy persons to honour, therefore he, after mature deliberation, had, in the person of Sir Francis Bacon, Knight, Baron of Verulam, descended from an ancient and honourable family, so much the more illustrious, by his succeeding his most worthy and prudent father in the office of keeper of the great seal, to which, through various offices of inferior dignity, from a just experience of his capacity and fidelity, he had by his majesty been led, and his majesty reflecting moreover on his acceptable and faithful services, rendered as well by assiduity and integrity in the administration of justice, as by care and prudence in the discharge of his duty as privy counsellor, and in the management of his revenue, without respect either to private advantage or vain breath of popular applause, had deemed fit to advance his dearly beloved and faithful counsellor to a higher rank in the peerage."

witnessed by the most illustrious peers of the realm, the Lord Carew carrying, and the Marquess of Buckingham supporting the robe of state before him, while his coronet was borne by the Lord Wentworth. The new viscount returned solemn thanks to the King for the many favours bestowed upon him. (*a*)

The thirtieth of January, an ominous day to the family of the Stuarts, was at last fixed for the King to meet his people, writhing as they were under the intolerable grievances by which they were oppressed; grievances, which, notwithstanding the warnings and admonitions addressed to the King when he ascended the throne, had most culpably increased. Power, not only tenacious in retaining its authority, but ever prone to increase its exactions, may disregard the progress of knowledge, but it is never disregarded with impunity. Truth, the daughter of time, not of authority, (*b*) is constantly warning the community in what their interests consist, and that to protect, not to encroach upon these interests, all governments are formed.

(*a*) Upon the 4th of January, 16 Jac. he was made Lord Chancellor of England;* on the 11th of July next ensuing created Lord Verulam;† and on the 27th of January, 18 Jac. advanced to the dignity of Viscount St. Alban;‡ his solemn investiture being then performed at Theobalds;§ his robe carried before him by the Lord Carew, and his coronet by the Lord Wentworth. Whereupon he gave the King sevenfold thanks:§ first, for making him his Solicitor; secondly, his Attorney; thirdly, one of his Privy Council, fourthly, Lord Keeper of the Great Seal; fifthly, Lord Chancellor; sixthly, Baron Verulam; and lastly, Viscount St. Alban.

Dugdale's Baronage, fol. 1676, vol. ii. p. 438.

(*b*) Nov. Org. Aph. 84.

* Claus. 16 Jac. in dorso, p. 15. 15 Jan. 15 Jac.; Rymer's Fœdera, vol. xvii. p. 55.

† Pat. 16 Jac. p. 11. Rymer's Fœd. vol. xvii. p. 17.

‡ Pat. 18 Jac. p. 4. Rymer's Fœd. vol. xvii. p. 279.

§ Annal. R Jac. in anno 1621.

Upon the opening of parliament the King addressed the Commons. He stated his opinion of their relative duties: that he was to distribute justice and mercy; and they, without meddling with his prerogative, were by petition to acquaint him with their distresses, and were to supply his pecuniary wants. (*a*)

At first there appeared nothing but duty and submission on the part of the Commons. Determined, if possible, to

(*a*) He said, "For a supply to my necessities. I have reigned eighteen years, in which time you have had peace, and I have received far less supply than hath been given to any king since the Conquest. The last queen of famous memory had one year with another above a hundred thousand pounds per annum in subsidies; and in all my time I had but four subsidies, and six fifteens. It is ten years since I had a subsidy, in all which time I have been sparing to trouble you. I have turned myself as nearly to save expenses as I may. I have abated much in my household expenses, in my navies, in the charge of my munition. I made not choice of an old beaten soldier for my admiral, but rather chose a young man, whose honesty and integrity I knew, whose care hath been to appoint under him sufficient men to lessen my charges, which he hath done." And he concludes: "I confess I have been liberal in my grants, but if I be informed I will amend all hurtful grievances; but who shall hasten after grievances, and desire to make himself popular, he hath the spirit of Satan. If I may know my errors, I will reform them. I was in my first parliament a novice; and in my last there was a kind of beasts, called Undertakers, a dozen of whom undertook to govern the last parliament, and they led me. I shall thank you for your good office, and desire that the world may say well of our agreement."*

* Rushworth, vol. i. p. 22.

maintain a good correspondence with their prince, they without one dissenting voice voted him two subsidies, and that too at the very beginning of the session, contrary to the maxims frequently adopted by former parliaments. (*a*) They then proceeded, in a very temperate and decided manner, to the examination of their oppressions, intimating that the supply of the King's distresses and the removal of their vexations were to advance hand in hand without precedency, as twin brothers.

Of their grievances the Commons loudly and justly complained. Under the pretext of granting patents, the creatures of Buckingham had rapaciously exacted large fees. These exactions can scarcely be credited. (*b*) There were patents for every necessary and conveniency of life; for gold and silver thread; for inns and alehouses; for remitting the penalties of obsolete laws, and even for the price of horse-meat, starch, candles, tobacco-pipes, salt, and train-oil; (*c*) and such traders as presumed to continue

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(*a*) Hume. (*b*) Journals.

(*c*) The following notes from the Journals of the Commons, 6th March, may convey some idea of the state of these grievances:—

"That Mr. Chr. Villyers was to have 800*l.* per annum; Sir Edw. V. 500*l.* per annum; and the King 200*l.* per annum; and that Sir Edw. V. hath had 1000*l.* or thereabouts; Chr. V. 150*l.*

"That Sir Francis M. had 100*l.* per annum, payable quarterly, and had it paid two years.

"That some were committed for refusing to be bound, first by Sir G. M. and Sir Francis Michell; after, by the Chief Justice.

"That the patent 9 Jac. passed by the Countess of Bedford.

"That he brought in 2,000*l.*; Fowles, 1,000*l.* &c.

"The first patent procured by Lord Harrington and Countess of Bedford; the projector, to her Lassells. That they compounded with her for her interest in it. Knoweth not who preferred the petition. Bradde the first mover of it to him, and Dykes the second. That it was their own device, to change it from a patent to a commission.

"That Sir G. M. and Sir Francis Michell executed the commission.

their business without satisfying the rapacity of the patentees, had been severely punished by vexatious prosecutions, fine, and imprisonment. The outcries of the subject were incessant. "Monopolies and briberies were beaten upon the anvil every day, almost every hour."(*a*) The complaints were so numerous that not less than eighty committees to redress abuses in the church, in the courts of law,

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That the last for the King's benefit; only they to have three years benefit, for their monies disbursed. That the proposition was 10,000*l.* per annum to the King, out of which the pensions should have come.

"That Sir Nich. Salter and Mr. Dyke managed all the business for licensing the importation of Venice gold, whereupon 6*s.* and 5*s.* 8*d.* taken, *ut supra.*

"That Sir Francis Michell hath had from them 100*l.* per annum, besides petty things he got from others.

"Sir Francis Michell, brought to the bar, confesseth he hath executed the commission for gold and silver thread. That he had 100*l.* per annum for the execution, which he had it given by way of annuity, for certain years in certainty, for drawing the people to pay 3*s.* upon a pound.

"That Sir H. Yelverton confessed he committed Paske, and four others, at the importunity of Sir Edw. Villyers, but yet with a letter to the Lord Chancellor, that he was pressed to it by Sir Edw. Villyers, and would discharge them, if his lordship did not confirm it. That, after, the Lord Chancellor, upon hearing, committed them close prisoners.

10th March.—"The quality of the parties imprisoned: tradesmen. Kept there five weeks. The threats: an heavier hand; rot in prison.

"Lord Pawlett: that Mr. Twitty told him this morning, that, if a pretty wench, and she would not consent to him, he would threaten her to carry her to the justices, and commit her.

"Mr. Towerson: that the hindrance of importation a great hindrance to the vent of cloth.

"That eleven several trades bound from use of their trades. Breaking open houses; taking away goods.

"That both the commissions directed to any two; yet Sir A. Apesley and Sir Francis Michell solely have committed, yea, that Fowles himself hath committed some for six days.

"That some restrained not to work at all, some but to particular persons.

"A letter of Sir G. Mompesson, that Mr. Villyers and Sir Edw. Villyers sharers."

(*a*) Hacket.

and in every department of the state, were immediately nominated. (*a*)

From the mass of evils under consideration, the house first directed its attention to the three great patents, of inns, of alehouses, and of gold and silver thread. The chief actors were Sir Giles Mompesson, a man of property, and a member of the house, and Sir Francis Michell, his tool, a poor justice, who received annually £100 for issuing warrants to enforce his tyranny. The rage for punishment was not confined to Mompesson and Michell. Sir Henry Yelverton, the Attorney General, who had incurred the displeasure of Buckingham, was prosecuted and severely punished, for some irregularity respecting a patent for a charter for the city of London. (*b*)

It appeared before a committee of the house, that the profits from these patents were shared by all classes of society who were connected with Buckingham. Amongst the patentees were the Lord Harrington and the Countess of Bedford. Christopher Villiers, and Sir Edward Villiers, half-brother of the lord marquis, received £1800 annually between them; and from one single patent the King's annual profit was £10,000. (*b*)

(*a*) Journals, p. 522, A. D. 1620.

(*b*) Journals of Commons.—The following is extracted from the diary of Judge Whitelock (see his excellent character in Biog. Brit. by Chalmers). The diary is entitled "Liber Famelicus," written by James Whitelock, commencing on the 18th April, 1609, and continued to 1631, in which is a diary of events during this period.

"Upon Saturday, the 5th of April, I visited Sir Henry Yelverton, the new attorney, who related unto me the manner of his coming to the place; and shutting his clyents and other resort from him, shewed his ancient love and good opinion of me in an oure's discourse very neer. That concerning his place was thus: That the King having delivered the great seal to Sir Fr. Bacon, sayd openly before the lords, that now he had settled that, he had no cause to think further upon the rest of his business, for they knew he was resolved his solicitor should be attorney. Not long

These rumours reached and alarmed the King, who instantly caused a communication to be made to the Lords, that the patent was sanctioned by divers of the judges for

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after, he understood by some of the lords, that the Erl of Buckingham was agent for another, and did crosse him, and was privily advised by some of his friends, as the Duke of Lenox, the Archbishop of Canterbury, and others, to repair unto him, and make away the falte. He absolutely resolved and vowed he would not deal with him about it nor speak to him, and so it continued some few days in a stand. Secretary Wynwood offered him to go with him to the King to exhibit his warrant to be signed; but he refused, and protested he would leave it to the King, who he knew had judgment enough to chuse his own servants. One Robert Pye, a servant of the erl's, who was employed by him in his most private affairs, came to the solicitor early one morning, before he was out of his bed, and being admitted to him, told him that the Erl of Buckingham desired him to come to him, and to bring his warrant that sholde be signed. He went unto him as soon as he was ready; did thear begin a kind expostulation withe him, in that he had not used his help in cumming to the place of attorney, telling him that he looked for any recompence, notwithstanding Sir James Lea had offered 10,000*l.* to have the place. Mr. Attorney did protest unto me, upon his credit, that he neither gave to the erl, or to any other sub. in the kingdom, one farthing to cum to the place, nor contracted for any thing, nor promised any thing, nor had any speeche ahout it; but when the businesse was done, and no expectation of any thing, he went privately to the King, and told him he did acknowledge how like a good master and worthye prince he had dealte with him, and although there was never mention, speech, or expectation of any thing to be had for his having of this place, but he came to it freely, yet out of his duty he wolde give him 4000 readye money. The King tooke him in his armes, thanked him, and commended him muche for it, and told him he had need of it, for it must serve even to buy him dishes, and bad him pay it to his servant Murray, whiche he did, and shewed me the acquittances for it under the hand of Mr. Murray, who as I heer, is keeper of the privie purse."—P. 63.

"It is not to be forgotten that the serjeants-at-law gave each of them 600*l.* to the King; sum of them weare not worth the money, and sum never likely to see it half again in thear practise. Mr. George Croke was left out bycaus he refused to give money, and offence taken at his words bycause he sayd he thought it was not for the King."—P. 49.

"This Michaelmas term, George Vernon, of Cheshire, a reader of the Inner Temple, was for money made serjeant and baron of the Exchequer." P. 138.

the point of law, and by divers lords for point of convenience. (*a*)

Reform was now the universal cry of the nation. It was one of those periodical outcries, (*b*) which ever has been and ever will be heard in England, till, by admitting the gradual improvement which the progress of knowledge (*c*) requires, the current, instead of being opposed, is judiciously directed. (*d*) The streams which for centuries roll on, and for centuries are impeded, at last break down or rush over the barriers and carry every thing before them. When in this deluge the ark itself is in danger, the patriot endeavours to confine the torrent within its proper banks and to resist or direct its impetuosity, while the demagogue joins in the popular clamour, visiting on individuals the faults of the times, and sacrificing, as an atonement to injured feeling, the most virtuous members of the community.

When the complaints of the people could no longer be resisted, and public inquiry became inevitable, Buckingham, insensible to all other shame, appeared fully conscious of the infamy of exposure. The honour of a gentleman and the pride of nobility slept at ease upon the money-bags extorted from the sufferers, but he and his noble colleagues endured the utmost alarm at the prospect of discovery.

Conscious of his peril, disquieted, and robbed of all peace of mind, admonished "that the arrow of vengeance shot against his brother grazed himself," (*e*) he consulted one of the ablest men in England, Williams, then Dean of

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(*a*) 12th March.—"The Lord Chancellor, removing from his place to his seat as a peer, reported what passed at the conference of both houses on Saturday last, the inducement of which conference was to clear the King's honour touching grants to Sir Gyles Mompesson, and the passages in procuring the same.

(*b*) See ante, p. ciii. (*c*) See ante, p. xi. See note BB.

(*d*) See ante, p. xi. note (*b*), ante, p. ciii. (*e*) Hacket.

Westminster, who, well versed in matters of state, (*a*) soon saw the position in which all parties were placed. He recommended (*b*) that Villiers should, without a moment's delay, be sent upon some foreign embassy; and, his guilt being less enormous or less apparent than of the other offenders, he was thus protected by the power of his brother. Villiers being safe, Williams advised compliance with the humour of the people, and suggested that in this state tempest (*c*) Sir Giles Mompesson and Sir F. Michell "should be thrown overboard as wares that might be

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(*a*) He was chaplain to Chancellor Egerton, and declined to accept the same appointment under Bacon.

(*b*) "I will now spread affirmative proposals before your honor, which I have studied and considered. Delay not one day before you give your brother Sir Edward a commission for some embassage to some of the princes of Germany, or the north lands, and despatch him over the seas before he be missed."—Hacket, p. 50.

(*c*) In a memorial which he had prepared for Buckingham (see Hacket, p. 50) found after his death in his own hand-writing, he says, "Trust me and your other servants, that have some credit with the most active members, to keep you clear from the strife of tongues; but if you assist to break up this parliament, being now in the pursuit of justice, only to save some cormorants, who have devoured that which must be regorged, you will pluck up a sluice which will overwhelm yourself. Those empty fellows, Sir Giles Mompesson and Sir Francis Michell, let them be made victims to the public wrath. It strikes even with that advice which was given to Cæsar in Sallust, when the people expected that some should be examples of public justice, Lucius Posthumius, Marcus Favonius mihi videntur quasi magnæ navis supervacua onera esse; si quid adversi coortum est, de illis petissimum jactura sit, quia pretii minimi sunt. Let Lord Posthumius and M. Favonius be thrown overboard in the storm, for there are no wares in the ship that may better be spared. And your lordship must needs partake of the applause; for though it is known that these vermin haunted your chamber, and is much whispered that they set up trade with some little license from your honor, yet when none shall appear more forward than yourself to crush them, the discourse will come about, that these devices which take ill, were stolen from you by misrepresentation, when you were but new blossomed in court, whose deformities being discovered, you love not your own mistakings, but are the most forward to recall them."

spared," quoting a wise heathen as a precedent, well knowing that his breviary contained no such doctrine: advice which was gratefully received by the marquis, who declared that, for the future, he would attend to no other counsellor. (*a*)

It may, at first sight, appear remarkable, that, in matters of such moment, Buckingham should apply for counsel to Williams rather than to Bacon, by whose advice he professed to be always guided: it is, however, certain that he not only communicated privately with Williams, but that he carried him to the King, whom they found closeted with the prince, in much distress and perplexity, (*b*) when the dean read to his royal master (*c*) a document prepared at the suggestion of Buckingham, or the fruit of his own politic brain.

It is to be hoped that the fiend ambition did not so far

(*a*) "Advice which the marquis received with much thankfulness as he could express, and requited his adviser with this compliment, that he would use no other counsellor hereafter to pluck him out of his plunges; for he had delivered him from fear and folly, and had restored him both to a light heart and a safe conscience."—Hacket, p. 50.

(*b*) "To the King they go forthwith with these notes of honest settlement, whom they found accompanied in his chamber with the prince, and in serious discourse together."—Hacket, p. 51.

(*c*) Hacket, p. 51.—"Buckingham craves leave that the dean might be heard upon those particulars which he had brought in writing, which the King marked with patience and pleasure; and whatsoever seemed contentious or doubtful to the King's piercing wit, the dean improved it to the greater liking by the solidity of his answers, whereupon the King resolved to keep close to every syllable of those directions; and before the month of March expired, thirty-seven monopolies, with other sharking prouleries, were decried in one proclamation, which returned a thousand praises and ten thousand good prayers upon the sovereign. Out of this bud the dean's advancement very shortly spread out into a blown flower; for the King, upon this trial of his wisdom, either called him to him, or called for his judgment in writing in all that he deliberated to act or permit in this session of parliament, in his most private and closest consultations."

possess him, as to recommend the greater sacrifice of Bacon, should Mompesson and Michell be deemed insufficient to allay the storm; but if ambition did influence this politic prelate, if the vision of the seals (*a*) floated before him, and induced him to plot against the "gracious Duncan," he could not but foresee that the result of the inquiries would only convince the parliament that Mompesson and Michell were mere puppets moved for the profit and advantage of others, and that Buckingham, or one as highly placed, might be demanded.

Charge of Bribery, March 15, 1620, Æt. 61.

On the 15th of March, 1620, Sir Robert Phillips reported from the committee appointed to inquire into the abuses of courts of justice, of which he was chairman, that two petitions had been presented for corruption against the Lord Chancellor, by two suitors in the court of Chancery, the one named Aubrey, the other Egerton.

Aubrey's petition stated, "That having a suit pending before the Lord Chancellor, and being worn out by delays, he had been advised by his counsel to present £100 to the Chancellor, that his cause might, by more than ordinary means, be expedited, and that, in consequence of this advice he had delivered the £100 to Sir George Hastings and to Mr. Jenkins, of Gray's Inn, by whom it was presented to his lordship; (*b*) but, notwithstanding this offering, the Chancellor had decided against him."

(*a*) Hacket, p. 51.—"The more the King sounded his judgment, the deeper it appeared, so that his worth was valued at no less than to be taken nearer, as counsellor upon all occasions."

(*b*) See note GGG, March 15-17, from which the following is extracted: Awbrey complaineth, that, wearied in his cause in Chancery, he was advised by his counsel, to expedite his business, to present the Lord Chancellor with 100*l*. He got at use 100*l*. goeth with Sir George Hastings and Mr. Jenkyns to York House: there they two went, and returned to him, with thanks from my lord, and hopes of better success in his cause than formerly.

Egerton's complaint was, that "to procure my lord's favour, he had been persuaded by Sir George Hastings and Sir Richard Young, to make some present to the Chancellor; and that he accordingly delivered to Sir George and to Sir Richard £400, which was delivered by them to the Chancellor as a gratuity, for that my lord, when Attorney General, had befriended him; and that, before this advice, Egerton had himself, either before or after the Chancellor was entrusted with the great seal, presented to his lordship a piece of plate worth fifty guineas; but that, notwithstanding these presents, the Lord Chancellor, assisted by Lord Chief Justice Hobart, had decided against him. (*a*)

If Bacon, instead of treating the charge with contempt,(*b*)

(*a*) To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause: I do confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks a-piece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made, which is mentioned in the article.

(*b*) Extrait d'un lettre de Monsieur le Chevalier Digby à M. de Fermat. —Et comme vous y parley de notre Chancelier Bacon, cela me fit souvenir d'un autre beau mot qu'il dit en ma presence une fois a feu Monsieur le Duc de Buckingham. C'étoit au commencement de ses malheurs, quand l'assemblée des états, que nous appelons le parlement, entreprit de la miner, ce qu'elle fit en suite ce jour la il eu eût la première alarme: j'étois avec le du ayant disné avec lui; le chancelier survint et l'entretint de l'accusation qu'un de ceux de la chambre basse avoit presentée contre lui, et il supplia le duc l'employer son crédit auprès du roi pour le maintenir toujours dans son esprit: le duc repondit qu'il étoit si bien avec le roi

and indulging in imaginations of the friendship of Buckingham and of the King, thinking, as they were, only of their own safety, had trusted to his own powerful mind, and met the accusation instantly and with vigour, he might at once, strong as the tide was against all authority, (*a*) have stemmed the torrent, and satisfied the intelligent, that the fault was not in the Chancellor, but the Chancery.

Might he not have reminded the house that, although he knew the temporary power of custom against opinion, he in resistance of the established practice, had exerted himself to prevent any interference, even by Buckingham or the

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leur maître, qu'il n'étoit pas besoin de lui rendre de bons offices auprès de sa majesté, ce qu'il disoit, non pas pour le refuser, car il aimoit beaucoup, mais pour lui faire plus d'honneur: le chancelier lui repondit de très-bonne grace, qu'en il croyoit être parfaitement bien " dans l'esprit de son maître, mais aussi qu'il avoit toujours remarqué que pour si grand que soit un feu, et pour si fortement qu'il brûle de lui-même, il ne laissera pourtant pas de brûler mieux et d'être plus beau et plus clair si on le souffle comme il faut."

" My Lord Chancellor hath many bills put up against him, who is said to have made a very peremptory speech in the committee, wherein was this passage: that he wondered how the Lower House would or durst go about to question his personal honour," &c.—From the British Museum.

(*a*) In the year 1824, when there was a senseless yell against Lord Eldon, a commission was appointed to inquire into the defects of the court of Chancery. That it abounded with defects was indisputable. Before this committee I was examined; and aware of the tendency of the many to personify and make their complaints against magistrates, I did all in my power to resist it. The following is an extract from part of my examination. —I hope that in thus speaking of the Lord Chancellor's court, I may not be supposed to be speaking of the Lord Chancellor; or to attribute to him these defects, any more than I thought the defects of the commissioners' court should be ascribed to the commissioners. I cannot but think it most unjust to confound the court with the judge. There is a spirit of improvement now moving upon this country, which ought not, as it appears to me, to be impeded by personality. Permanent defects in a court may perhaps generally be traced to the constitution of the court: that is, not to the judge, but to society.

King, in the administration of justice, by which the impartiality of the judges might be, or might appear to be disturbed. (*a*)

Could he not have said that both petitions contained internal and unanswerable proof that it was not the corruption of the judge, but the fault of the times, in which the practice originated? Could he not have said that the presents were made openly, in the presence of witnesses?

Decision against donors.

How could these offerings have influenced his judgment in favour of the donor, when, in both cases, he decided against the party by whom the presents were made? In the case of Awbrey he, to repeat the strong expressions which had been used, made "a killing decree against him:" (*b*) and with respect to Egerton, the decision was in favour of his opponent Rowland, who did not make any present until some weeks after the judgment was pronounced. (*c*)

Presents advised by counsel.

But, not contenting himself by thus showing that the offerings were neither presented nor received as bribes, could he not have said, the petitions both state that the presents were recommended by counsel, and delivered by men of title and members of parliament? (*c*) Did they then act in

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(*a*) Ante, p. clxxiii.

(*b*) See Journals in note GGG, under date 17th March, "a killing order made to Awbrey's prejudice."

(*c*) See note (*b*), ante, p. cccxiii. See note GGG, at the end, where the passage is as follows: "In the cause between Sir Rowland Egerton, knt. and Edward Egerton, the Lord Chancellor received five hundred pounds, on the part of Sir Rowland Egerton, before he decreed the same; proved by the depositions of Sir Rowland Egerton: of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor, and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor: of Bevis Thelwall, who delivered the five hundred pounds to the Lord Chancellor."

Whitelock, in his "Liber Famelicus," (see ante) says, "Presently upon my return to Cluer I did visit that honorable and worthy judge, Sir Edw.

compliance with long established practice, or were they all bribed? Were the practitioners in this noble profession polluted by being accessory to the worst species of bribery? Why, when the charge was made, did the Recorder instantly say, "If Egerton desired to congratulate him at his coming to the seal for his kindnesses and pains in former business, what wrong hath he done, if he hath received a present? And if there were a suit depending, who keeps a register in his heart of all causes, nay, who can amongst such a multitude?" (*a*)

Could he not have said that the custom of the Chancellor's receiving presents had existed from the earliest periods? (*b*) that a member had reminded the house of its existence, and said, "I think the Chancellor took

Customary to receive presents.

Coke, Lord Chief Justice of England, who was newly returned to Stoke from the parts about London, where he was fayne to attend about his unfortunate businesses at the court. Never man was so just, so upright, so free from corrupte solicitations of great men or frendes as he was. Never put counsellors that practised before him to annual pensions of money or plate to have his favor. In all cawses before him the counsel might assure his clyent from the danger of briberye, the secret mischiefs growing by wife, children, servants, chamber motions, courtesans great or small, and the most religious and orderlye man in his house that lived in our state."

And his diary contains the following entry:

Profits of my office this half year, 1622 (inter alia).

My Lord Brook's New-year's gift	£40	0	0
Howard, the attorney	5	0	0
New-year's gift, Sir R. Vaughan	10	0	0
Of Mr. Turner, the counsellor	5	0	0

Pp. 103 and 109.

(*a*) See note GGG. If Egerton, out of a desire to congratulate him at his coming to the seal for his kindnesses and pains in former business, what wrong hath he done, if he hath received a present? And if there were a suit depending, who keeps a register in his heart of all causes, nay, who can amongst such a multitude?

(*b*) Ante, p. cciii.

gratuities, and the Lord Chancellór before, and others before him? I have amongst the muniments of my own estate, an entry of a payment to a former Chancellor of a sum for the pains he had taken in hearing our cause." (*a*)

This custom of judges receiving presents was not peculiar to England, but existed in the most enlightened governments; in the different states of Greece; in all feudal states; in France, where the suitors always presented the judge with some offering in conformity with their established maxim, "*Non deliberetur donec solventur species;*" and in England, from time immemorial. (*b*) It existed before the time of King John, and during his reign; and notwithstanding the rights secured at Runnymede, it has ever continued. It existed in the reign of Henry the Fifth; and although, during the reign of Henry the Eighth, Sir Thomas More declined to receive presents, his very power of declining proves that it was customary to offer them,

(*a*) See note (*a*), next page.

(*b*) Barrington, in his observations on the statutes, as a note to *Nulli vendemus nulli negabimus aut differemus rectum vel justitiam*, says, "This part of Magna Charta is calculated to prevent abuses in the crown with regard to the administration of justice and in some cases the parties litigant offered part of what they were to recover, to the crown."

Maddox, in his History of the Exchequer, collects likewise many instances of fines for the King's favour, and particularly William Stutewell, presented to King John three thousand marks, for giving judgment with relation to the barony of Mowbray, which Stutewell gave against William de Mowbray, (I) Petyt. MSS. vol. i. p. 57, where the proceedings may be likewise seen.

"It was usual to pay fines anciently for delaying law proceedings, even to the extent of the defendant's life; sometimes they were exacted to expedite process, and to obtain right. The county of Norfolk (always represented as a litigious county, insomuch that the number of attornies allowed to practise in it is reduced by a statute of Henry the Sixth to eight) paid an annual composition at the Exchequer, that they might be fairly dealt with."—Maddox, Hist. Exch. p. 205.

The Dean of London paid twenty marks to the King, that he might assist him against the bishop in a law-suit.

and, in conformity with this practice, the usual presents were made to Lord Bacon within a few hours after he had accepted the great seal, the only pecuniary compensation, except a very trifling salary, to which the Lord Keeper was entitled for labours never intended to be gratuitous. (*a*)

What could have been said in answer to this statement, that the presents were made openly, that the decision was against the party by whom they were made, and that they were made by the advice of counsel and delivered by men of eminence, and sanctioned by immemorial practice in this and in all countries?

Might he not have called upon the justice of the house for protection from the aspersions of two discontented suitors, who had no more cause of complaint against him

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(*a*) The whole salary did not then exceed 2790*l.* per annum, according to the statement of Dean Williams, who says these are all the true means of that great office:

Fines certain . .	£1300
Fines casual . .	1250, or thereabouts.
Writs	140
Impost of wine .	100
	2790"

See this subject fully considered in note G G.

In Lloyd's life of Sir Augustine Nicholls, who was one of the judges in the time of James the First, he says, "We had exemplary integrity, even to the rejection of gratuities after judgment given, and a charge to his followers that they came to their places clear handed, and that they should not meddle with any motions to him, that he might be secured from all appearance of corruption."

When the charge was made against Lord Bacon, the following observation was made in the House of Commons, as appears in the Journals of Lunæ 26 Martii, 19 Jacobi.—Alford. That the Chancery hindereth commerce at home. Many things propounded about the Lord Chancellor. Thinketh he took gratuities; and the Lord Chancellor before, and others before him. Hath a ledger-book, where 30*s.* given to a secretary, and 10*l.* to a Lord Chancellor, for his pains in hearing a cause. Will proceed from Chancellor to Chancery: will offer heads, to be considered by a committee.

than Wraynham, (*a*) by whom he was slandered, or Lord Clifford, by whom he was threatened to be assassinated? (*b*) Might he not have called upon the house for protection against these calumnies at a time when the excited people wished for some sacrifice, as a tribute to public opinion, an atonement for public wrongs, and a security for better times?

The people are often censured for their selection of a victim, but, where they contend for a principle, they lose sight of the individual. It is this dangerous indifference that enables bad men to direct, for private ends, a popular tumult. The Jewish people demanded merely their annual privilege; it was the priests who said, "Save Barrabas."

On the 17th of March the Chancellor presided, for the last time, in the House of Lords. The charges which he had at first treated with indifference, were daily increasing, and could no longer be disregarded. From the pinnacle on which he stood, he could see the storm gathering round him: old complaints were revived, and new accusations industriously collected; and, though he had considered himself much beloved in both houses of parliament, he felt that he had secret enemies, and began to fear that he had false friends. He resolved, therefore, to meet his accusers; but his health, always delicate, gave way, and instead of being able to attend in person, he was obliged by writing to address the House of Peers.

To the Right Honourable his very good Lords, the Lords Spiritual and Temporal in the Upper House of Parliament assembled.

My very good Lords,—I humbly pray your lordships all to make a favourable and true construction of my absence.

(*a*) Ante, p. 104. (*b*) Ante, p. 241.

It is no feigning or fainting, but sickness both of my heart and of my back, though joined with that comfort of mind that persuadeth me that I am not far from heaven, whereof I feel the first fruits. And because, whether I live or die, I would be glad to preserve my honour and fame, so far as I am worthy, hearing that some complaints of base bribery are coming before your lordships, my requests unto your lordships are:

First, that you will maintain me in your good opinion, without prejudice, until my cause be heard.

Secondly, that in regard I have sequestered my mind at this time in great part from worldly matters, thinking of my account and answers in a higher court, your lordships will give me convenient time, according to the course of other courts, to advise with my counsel, and to make my answer; wherein, nevertheless, my counsel's part will be the least; for I shall not, by the grace of God, trick up an innocency with cavillations, but plainly and ingenuously (as your lordships know my manner is) declare what I know or remember.

Thirdly, that according to the course of justice, I may be allowed to except to the witnesses brought against me; and to move questions to your lordships for their cross-examinations; and likewise to produce my own witnesses for the discovery of the truth.

And lastly, that if there be any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge, that makes two thousand orders and decrees in a year (not to speak of the courses that have been taken for hunting out complaints against me) but that I may answer them according to the rules of justice, severally and respectively.

These requests I hope appear to your lordships no other

than just. And so thinking myself happy to have so noble peers and reverend prelates to discern of my cause; and desiring no privilege of greatness for subterfuge of guiltiness, but meaning, as I said, to deal fairly and plainly with your lordships, and to put myself upon your honours and favours, I pray God to bless your counsels and persons. And rest your lordships' humble servant,

March 19, 1620. FR. ST. ALBAN, Canc.

This letter, which was delivered by Buckingham, (*a*) the Lords immediately answered, by assuring the Chancellor "that the proceedings should be according to the right rule of justice; that it was the wish of the house that his lordship should clear his honour from the different aspersions, and praying him to provide for his defence;" a courtesy which his lordship instantly acknowledged, (*b*) with the expression of his intention to speak more fully at a future time.

Thus resolved to defend himself, there was some communication between the Chancellor and Buckingham; whether it was confined to the favourite must be left to conjecture; but it appears to have had its full effect both upon him and upon the King, who, seeing the untoward events which might yet occur from the discussions of this inquiring parliament, sent a message to the Commons, expressing his comfort that the house was careful to

(*a*) The Lord Admiral declared, that he had been twice with the Lord Chancellor, to visit him, being sent to him by the King. The first time, he found his lordship very sick and heavy; the second time he found him better, and much comforted, for that he heard that the complaint of the grievances of the Commons against him were come into this house; where he assured himself to find honourable justice; in confidence whereof, his lordship had written a letter to the house. The which letter the Lord Admiral presented to the house, to be read.

(*b*) Journals.

preserve his honour; his wish that the parliament should adjourn to the 10th of April; and his assurance that the complaints against the Lord Chancellor should be carefully examined before a committee of six peers and twelve commoners; a proposal not very acceptable to Sir Edward Coke, who thought it might defeat the parliamentary proceedings which he was so anxious to prosecute. (*a*)

On the 20th, the Commons proceeded to the examination of witnesses, and a further complaint was preferred in the cause of Wharton and Willougby, by the Lady Wharton, against whom the Chancellor had decided. It appeared that the presents were made openly at two several times, with the knowledge and in the presence of witnesses. (*b*)

(*a*) Mr. Secretary Calvert brings a message from the King, that this parliament hath sat a long time, and Easter is near come, and it is fit there should be a cessation for a time, yet the King will appoint no time, but leaves it to yourselves. But for the beginning again, he thinks the 10th of April a fit time, but will appoint none; only he would have you take care that there be no impediment in the subsidies. The King also took notice of the complaints against the Lord Chancellor, for which he was sorry; for it hath always been his care to have placed the best, but no man can prevent such accidents. But his comfort was, that the house was careful to preserve his honour. And his majesty thought not fit to have the occasions hang long in suspense, therefore would not have any thing to hinder it; but for the furtherance thereof, he proposed a commission of six of the higher house, and twelve of the lower house to examine upon oath. This proposition, if we liked it well, he would send the like to the Lords; and this he thought might be done during this cessation; and though he hoped the Chancellor was free, yet if he should be found guilty, he doubted not but you would do him justice.

Sir Edward Coke said, we should take heed the commission did not hinder the manner of onr parliamentary proceedings.

The answer returned to the King was, rendering thanks for the first part of his gracious message; and for the second, we direct that the like message may be sent to the Lords, for there being so good a concurrence betwixt us, we may have conference with them about it. Then adjourned.—See note G G G.

(*b*) Journals.—The Lady Wharton having a cause depending in Chancery, many orders were made in it; amongst the rest, there was an order

The cry having been raised, the lowest members of the profession, a common informer and a disgraced registrar,

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made for dismission, by the consent of the counsel on both sides, which my lady disliking, took Churchill, the register, into her coach, carried him to my Lord Chancellor's, and so wrought, that he was willed not to enter the last order, so that my lady was left at liberty to prosecute it in Chancery, brought it to a hearing, and at length got a decree. Keeling being examined, saith, that near about the time of passing this decree, my lady took 100*l.* he saw it, and she made him set down the words and styles which she would use in the delivery of it. Then she goeth to York House, and delivered it to my Lord Chancellor, as she told him. She carried it in a purse; my lord asked her what she had in her hand? She said, a purse of her own making, and presented it to him, who took it, and said, what lord could refuse a purse of so fair a lady's working! After this my lord made a decree for her, but it was not perfected; but 200*l.* more being given (one Gardener being present), her decree had life. But after the giving of the 100*l.* because she had not 200*l.* ready in money, one Shute dealt with her to pass over the land to my Lord Chancellor and his heirs, reserving an estate for life to herself; but she knowing no reason to disinherit her own children, and confer it upon a lord who had no children, asked Keeling, her man, what he thought of it? He, like an honest servant, was against it. Shute knowing this, sets upon Keeling, and brought him to be willing my lady should do it, with power of revocation, upon payment of 200*l.* in a reasonable time. Keeling lets fall some speeches, as if he had left York House for the corruption which was there, which he himself knew in part. Gardener, Keeling's man, confirmed the payment of the 300*l.* for the decree, viz. 100*l.* before, and 200*l.* after. This purchased decree being lately damned again by my Lord Chancellor, was the cause of this complaint.

Keeling saith, Sir John Trevor did present my Lord Chancellor with 100*l.* by the hands of Sir Richard Young, for a final end to his cause. Sir Richard Young answered, that when he attended upon my Lord Chancellor, Sir John Trevor's man brought a cabinet, and a letter to my Lord Chancellor, and entreated me to deliver it, which I did openly; and this was openly done, and this was all I knew of it.

Sir Edward Coke said, it was strange to him that this money should be thus openly delivered, and that one Gardener should be present at the payment of the 200*l.*

Mercurii, 21st Martii, 18th Jacobi, Lady Wharton.—Sir Robert Philips. That Gardyner's man affirmeth, that, three days before the hearing of the cause the Lady Wharton put 100*l.* in a purse, went to York House, and,

were, with their crew, employed in hunting for charges: and, so ready was the community to listen to complaints, that it mattered not by whom they were preferred; "greatness was the mark, and accusation the game." One of his many faithful friends, (*a*) Sir Thomas Meautys, rose to resist this virulence. He admonished the house of the misstatements that would be made by such accusers, men without character, (*b*) under the influence of motives which could not be misunderstood. "I have known," he said, "and observed his lordship for some years: he hath sown a good seed of justice; let not the abandoned and envious choke it with their tares." He had as much prospect of success as if he had attempted to stop the progress of a volcano.

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as she said after, gave it my lord. That, in —— after, she put 200*l.* more into a purse, and took the money from Gardener at York House, went in to my lord, and as she said, delivered it to my lord, and had after presently the decree.

To the fourth article of the charge, namely, "In a cause between the Lady Wharton and the coheirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds," I confess and declare that I did receive of the Lady Wharton at two several times, as I remember, in gold, two hundred pounds and one hundred pieces, and this was certainly *pendente lite;* but I have a vehement suspicion that there was some shuffling between Mr. Shute and the register in entering some orders, which afterwards I did distaste.

(*a*) Not so all his servants.—Upon his being in disfavour, his servants suddenly went away: he compared them to the flying of the vermin when the house was falling.—Aubrey, 1656.

(*b*) Mr. Meawtys. Touching the persons that inform, I would entreat this honourable house to consider, that Keeling is a common solicitor (to say no more of him); Churchill, a guilty register, by his own confession. I know that fear of punishment, and hopes of lessening it, may make them to say much, yea, more than is truth. For my own part, I must say, I have been an observer of my lord's proceedings; I know he hath sown a good seed of justice, and I hope that it will prove, that the envious man has sown these tares. I humbly desire that those generals may not be sent up to the lords, unless these men will testify them in particular.

Additional charges thus collected, and of the same nature, were preferred against him.

March 26. On the 26th of March, in conformity with the advice given by Williams, sentence was passed upon Mompesson and Michel,(*a*) many patents were recalled, and the King, after having addressed the house, adjourned the parliament. (*b*)

The King's speech abounded with that adroit flattery to the house, which he so frequently practised when he had any thing to gain or any thing to fear; he did not name the Chancellor directly, and, when he glanced at the charge of bribery, while he cautioned them not to be carried away "by the impertinent discourses of those who named the

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(*a*) And so his lordship pronounced the judgment of the lords against the said Sir Giles Mompesson, *in hæc verba*: "The Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge: 1. That Sir Giles Mompesson shall stand, and be from henceforth degraded of the order of knighthood, with reservation of the dignity of his wife and children; and the ceremonies of degradation to be performed, by direction of the Earl Marshal's court, whensoever he shall be taken. 2. And that he shall stand perpetually in degree of a person outlawed for misdemeanour and trespass. 3. And that his testimony be received in no court; and that he shall be of no assize, inquisition, or jury. 4. And that he shall be excepted out of all general pardons to be hereafter granted. 5. And that he shall be imprisoned during his life. 6. And that he shall not approach within twelve miles of the courts of the King or Prince, nor of the King's high courts, usually holden at Westminster. 7. And that the King's majesty shall have the profits of his lands for life; and shall have all his goods and chattels as forfeited; and that he shall undergo fine and ransom, which their lordships assess at ten thousand pounds. 8. And that he shall be disabled to hold or receive any office under the King or for the commonwealth. 9. And lastly, that he be ever held an infamous person."

(*b*) The King in his speech said, "Three patents at this time have been complained of, and thought great grievances. 1. That of the inns and hostelries. 2. That of ale-houses. 3. That of gold and silver thread. My purpose is, to strike them all dead; and that time may not be lost, I will have it done presently."

innocent as well as the guilty;" he contrived to praise Buckingham, and to turn the charge itself into a dextrous commendation both of his favourite and the prince. (*a*)

The parliament was then adjourned to the 17th of April, with the hope that, during the recess, the favourite or his master might contrive some expedient to delay or defeat investigation: and that time might mitigate the

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(*a*) "And the like I may say of one that sits there (Buckingham); he hath been so ready, upon all occasions, to do good offices, both for this house in general, and every member thereof in particular. One proof thereof, I hope my lord of Arundel hath already witnessed unto you, in his report made unto you of my answer touching the privileges of the nobility, how earnestly he spake unto me in that matter. This I profess and take comfort in, that the House of Commons at this time have shewed greater love, and used me with more respect in all their proceedings, than ever any House of Commons have heretofore done to me, or, I think, to any of my predecessors. As for this house of yours, I have always found it respective to me; and accordingly do I, and ever did favour you, as you well deserved. And I hope it will be accounted a happiness for you, that my son doth now sit amongst you, who, when it shall please God to set him in my place, will then remember, that he was once a member of your house, and so be bound to maintain all your lawful privileges, and like the better of you all the days of his life. But, because the world at this time talks so much of bribes, I have just cause to fear the whole body of this house hath bribed him to be a good instrument for you on all occasions, he doth so good offices in all his reports to me, both for this house in general, and every one of you in particular. Now, my lords, the time draws near of your recess; whether formality will leave you time for proceeding now to sentence against all, or any of the persons now in question, I know not. In sentence, ye are to observe two parts: first, to recollect that which is worthy of judging and censuring; and secondly, to proceed against these, as against such like crimes, properly. We doubt there will be many matters before you, some complained of out of passion, and some out of just cause of grievance. Weigh both; but be not carried away with the impertinent discourses of them that name as well innocent men as guilty; let your judgments only take hold of the guilty; proceed judiciously, and spare none where you find just cause to punish; but let your proceedings be according to law: and remember, that laws have not their eyes in their necks, but in their foreheads."

displeasure which, in both houses, seemed strong against the Chancellor. (*a*)

The proceedings within the house were suspended, but the Chancellor's opponents, unchecked or secretly encouraged by his pretended friends, continued their exertions, actuated either by virtuous indignation at the supposition of his guilt, or by motives less pure,—the hope of gaining by his fall, or envy of the greatness which overshadowed them.

The state of the Chancellor's mind during this storm has been variously represented; (*b*) by some of his contemporaries he is said to have been depressed; by others that he was merry, and not doubting that he should be able to ride safely through the tempest. His playfulness

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(*a*) Adjourned from the 27th of March to the 18th of April. The marquis had an eye in it upon the Lord Chancellor, to try if time would mitigate the displeasure which in both houses was strong against him.—Hackett.

(*b*) March 24, 1621. Strange bills against him: Thursday and Friday was se'ennight the days that shook him, and himself sick in bed, and swoln in his body and suffering none to come at him. Some say he desired his gentlemen not to take any notice of him, but altogether to forget him, and not hereafter to speak of him, or to remember there was ever any such man in the world. Strange to hear that they talk at London of his former actions, and now of his present sickness. Vanity of vanities, all is vanity! Happy are you who live as it were out of the jurisdiction of these great temptations, and walk not upon these dangerous pinnacles of these tottering pyramids of such false happy dignities.

The following is an extract from a letter from Nathaniel Brent to Sir Richard Beaumont, of Whitley Hall, Yorkshire, dated London, March 23, 1620. Brent held an office under Abbot, Archbishop of Canterbury. "On Thursday next the parliament wil be adjorned for three weekes; but before they dissolve, Mem. Parsons the fugitive must receave his doome in his absence, which is like to be exceeding severe. Your good friend the Lord Chancelor hath so many grievous accusations brought against him, that his ennemies do pittie him, and his most judicous frends have alreadie given him for gon. Notwithstanding, himself is merrie, and doubteth not that he shall be able to calme al the tempests raysed against him."—From the original, in possession of the Rev. B. Baudinell.

of spirit never forsook him. When, upon the charge being first made, his servants rose as he passed through the hall, "Sit down, my friends," he said, "your rise has been my fall;" and when one of his friends said, "You must look around you," he replied, "I look above me:"(*a*) Playfulness in affliction is, however, only an equivocal test of cheerfulness; (*b*) in a powerful mind grief rests itself in the exercise of the antagonist feelings, and, by a convulsive effort, throws off the load of despair.

Difficult as it may be to discover the real state of his mind, it cannot be supposed, accustomed as he was to active life, and well aware of the intrigues of courts, that, in this moment of peril, his sagacity slumbered, or that he was so little attentive to his own interests, as to be sheltered in the shades of Gorhambury, all meaner things forgotten, watching the progress of some chemical experiment, or wandering with Hobbes in the mazes of metaphysics.

(*a*) There are many other anecdotes of the same nature.—When his lordship was in disfavour, his neighbours hearing how much he was indebted, came to him with a motion to buy oak-wood of him. His lordship told them, "He would not sell his feathers."

The Earl of Manchester being removed from his place of Lord Chief Justice of the Common Pleas to be Lord President of the Council, told my lord (upon his fall) that he was sorry to see him made such an example, Lord Bacon replied, it did not trouble him, since he was made a president.

(*b*) Such was the supposed levity of Sir Thomas More on the scaffold. When Danton was led to the guillotine he conversed upon the pleasures of rural life. This mood of the mind did not escape, and what did escape, the notice of Shakespeare, as may be seen in the light jests and quibbles of Hamlet.

Wordsworth, describing the grief of a young man, says,

> "At his door he stood,
> And whistled many a snatch of merry tunes
> That had no mirth in them."

A very intelligent medical practitioner once said to me, "Apparent cheerfulness by a powerful mind in danger is a bad symptom."

His enemies, who were compassing his ruin, might imagine that he was thus indulging in the day-dreams of philosophy, but, so imagining, they were ignorant of his favorite doctrine, that "Learning is not like some small bird, as the lark, that can mount and sing, and please herself, and nothing else, but that she holds as well of the hawk, that can soar aloft, and at the right moment can stoop and seize upon her prey."(*a*) The Chancellor retired to prepare for his defence, to view the nature of the attack, and the strength of his assailants. (*b*)

The charges which were at first confined to Aubrey and Egerton, were now accumulated to twenty-three in number,(*c*) by raking up every instance of an offering, even to the case of Wraynham, who had been punished for his scurrilous libel against the Chancellor and the Master of the Rolls.

Of this virulence the Chancellor thus complained to Buckingham: "Your lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands and a clean heart, and I hope a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him, as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a chancellor, I think if the great seal lay upon Hounslow Heath, nobody would take it up. (*d*) But the

(*a*) Advancement of Learning.

(*b*) See Theo. Idyll. 26, line 250, and Bishop Taylor on Sickness, describing the retreating of a lion when first struck, in his Holy Dying.

(*c*) But the leisure of three weeks multiplied a pile of new suggestions against him, and nothing was presaged more certain than his downfall, which came to ripeness on the third of May.

(*d*) The biographer of Lord Keeper North says, "I come now to his

King and your lordship will I hope put an end to these my straits one way or other."—And in a subsequent letter he said, "I perceive, by some speech that passed between your lordship and Mr. Meautys, that some wretched detractor hath told you, that it were strange I should be in debt; for that I could not but have received an hundred thousand pound gifts since I had the seal, which is an abominable falsehood. Such tales as these made St. James say, that the tongue is a fire, and itself fired from hell, whither when these tongues shall return, they will beg a drop of water to cool them. I praise God for it, I never took penny for any benefice or ecclesiastical living; I never took penny for releasing any thing I stopped at the seal; I never took penny for any commission, or things of that nature; I never shared with any servant for any second or inferior profit."

About the same period he thus wrote to the King, in a letter which he entrusted to the discretion of Buckingham to withhold or deliver: (*a*)

It may please your most excellent Majesty,—Time hath been, when I have brought unto you "Gemitum Columbæ" from others, now I bring it from myself. I fly unto your majesty with the wings of a dove, which, once within these

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lordship's last and highest step of preferment in his profession, which was the custody of the great seal of England. And for conformity of language I call this a preferment, but in truth (and as his lordship understood) it was the decadence of all the joy and comfort of his life; and instead of a felicity, as common reputed, it was a disease like a consumption, which rendered him heartless and dispirited." See ante, p. cxcii.

(*a*) My very good Lord,—Yesterday I know was no day; now I hope I shall hear from your lordship, who art my anchor in these floods. Meanwhile to ease my heart, I have written to his majesty the inclosed; which I pray your lordship to read advisedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your lordship.

March 25, 1621. Yours ever what I can, Fr. St. Alban, Canc.

seven days, I thought would have carried me a higher flight. When I enter into myself, I find not the materials of such a tempest as is come upon me. I have been (as your majesty knoweth best) never author of any immoderate counsel, but always desired to have things carried "suavibus modis." I have been no avaricious oppressor of the people. I have been no haughty, or intolerable, or hateful man in my conversation or carriage: I have inherited no hatred from my father, but am a good patriot born. Whence should this be; for these are the things that use to raise dislikes abroad.

For the House of Commons, I began my credit there, and now it must be the place of the sepulture thereof. And yet this parliament, upon the message touching religion, the old love revived, and they said, I was the same man still, only honesty was turned into honour.

For the upper house, even within these days, before these troubles, they seemed as to take me into their arms, finding in me ingenuity, which they took to be the true straight line of nobleness without crooks or angles.

And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

And therefore I am resolved, when I come to my answer, not to trick my innocency (as I writ to the lords) by cavillations or voidances, but to speak to them the language that my heart speaketh to me, in excusing, extenuating, or ingenuous confessing; praying God to give me the grace to see to the bottom of my faults, and that no hardness of heart do steal upon me, under shew of more neatness of conscience, than is cause.

But not to trouble your majesty any longer, craving pardon for this long mourning letter, that which I thirst after, as the hart after the streams, is, that I may know, by my matchless friend that presenteth to you this letter, your majesty's heart (which is an abyssus of goodness, as I am an abyssus of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours. And now making myself an oblation, to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as clay in your majesty's gracious hands, FR. ST. ALBAN, Canc.

March 25, 1620.

To the preparation of his defence he now proceeded—a preparation which could scarcely to any advocate have been attended with difficulty, whether considering the general nature of the complaints, or the weight due to each particular charge.

There are circumstances attending these accusations, by which at this time the judgment may be warped, that did not exist two centuries since. We may be misled by transferring the opinions of the present to past times, and by supposing that the accusations were preferred by some or all of the suitors whose names are mentioned, and on whose behalf the presents were offered after the termination of their causes; but it was then well known, that these suitors reluctantly attended in obedience to the summons obtained in consequence of the petitions presented by the two discontented persons against whom the Chancellor had decided, notwithstanding their supposition that his judgment was to be purchased.

Transfer to past times.

It could not have escaped the notice of any advocate that the presents were made on behalf of the suitors, by

Presents by men of eminence.

men of character, counsellors, and members of parliament, Sir George Hastings, Sir Richard Young, Sir Henry Holmes, Mr. Jenkins, Mr. Thelwall, Mr. Toby Matthew, and Sir Thomas Perrott; and that they were made openly, with the greatest publicity, both from the nature of the presents themselves, and from the manner in which they were presented; so openly, (*a*) that even Sir Edward Coke admitted the fact, that they were delivered in the presence of witnesses; (*b*) and the Chancellor, in answer to the 21st charge, that, "upon a dispute between three public companies of the Apothecaries and Grocers, he had received presents from each of the companies," instantly said, "Could I have taken these presents in the nature of a bribe, when I knew it could not be concealed, because it must needs be put to the account of the three several companies, each of whom was jealous of the other?"

Presents of furniture.

Who can suppose that, if secrecy had been the object, presents of articles constantly in sight would have been selected, gold buttons, tasters of gold, ambergrease, cabinets, and suits of hangings for furniture; they were made, as was notorious, according to the established custom, in this, and in all countries, a custom which, as the Chancellor L'Hopital endeavoured to abolish in France, (*c*) the Chancellor Bacon would most gladly have abolished in England, and demanded from the country a proper remuneration for the arduous labours of his high office.

Presents customary.

No man felt more deeply the evils which then existed, of the interference by the crown and by statesmen to influence judges. How beautifully did he admonish Buckingham, regardless as he proved of all admonition,

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(*a*) See the Whitelocke MSS. as to presents.

(*b*) See Note G G G, date 20th March.

(*c*) Ante, p. ccvi.

"By no means be you persuaded to interpose yourself, either by word or letter, in any cause depending, or like to be depending, in any court of justice, nor suffer any other great man to do it where you can hinder it, and by all means dissuade the King himself from it upon the importunity of any for themselves or their friends. If it should prevail it perverts justice, but if the judge be so just and of such courage, as he ought to be, as not to be inclined thereby, yet it always leaves a taint of suspicion behind it; judges must be chaste as Cæsar's wife, neither to be, nor to be suspected to be unjust: and, Sir, the honour of the judges in their judicature is the King's honour, whose person they represent." (*a*)

Thus did he raise his voice in opposition to an inveterate practice. The first mode of correcting error, whether in individuals or in the community, is by proclaiming its existence; the next is, when ripe for action, by acting.

No influence on judgment.

That the presents influenced the judgment of the Chancellor was never for a moment supposed by any man. Fourteen out of the twenty-two charges related to presents made long after the causes were terminated, and the complaints of his accusers were, not that the gratuities had, but that they had not influenced his judgment, as he had decided against them.

Such topics would have occurred to any advocate. With what force would they have been urged by the Chancellor? In his Novum Organum, which he had published in the previous year, he had warned society, that "at the entrance of every inquiry our first duty is to eradicate any idol by which the judgment may be warped; as the kingdom of man can be entered only as the kingdom of God, in the simplicity of little children." How powerfully, then, would

(*a*) Ante, p. 176.

he have called upon the lovers of truth and of justice to divest their minds of all prejudice; to be, when sitting in judgment upon a judge, themselves impartial. Knowing the nature of the high tribunal before whom he was to appear, there could, indeed, have been scarcely any necessity for such an appeal. He knew the joy which they "would feel, if he could clear his honour." He knew that, however grateful it may be to common minds to indulge in the vulgar pleasure of imaginary self-importance from the depression of superiority, a disinclination to condemn, even if truth call for conviction, is an attribute of every noble mind, always afflicted at the infirmities of genius. Knowing that, amongst the peers, many valued themselves upon ancient learning, he would have reminded them, that "the tree scathed with lightning, was with them of the olden time ever held sacred. Sure no tree of the forest, under Jove's favour, ever flourished more than myself; witness for me all those, who while the dews of heaven rested on me, were rejoiced to shelter under my branches: and I the more readily, my lords, remind you of an ensample of heathen piety, because I would not in the presence of some of you speak of Christian charity, which, if it were not recorded by one who cannot lie, I have found so cold that I might suppose it to be only painted forth in books, but, indeed, without life, or heat, or motion."

He could not have thought it necessary to warn the Lords, as he had apprised the King that "when from private appetite it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed to make a fire to offer it with;" nor to have said to the Lords, as he had said to the King, "For the briberies and gifts wherewith I am charged, when the book of hearts shall be opened, I hope

I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice: however, I may be frail, and partake of the abuses of the times."—For such appeals there would not, before such a tribunal, have been any necessity.

Passing from these general observations, how easy would it have been to have examined each particular charge, by separating the bundle, and breaking it stick by stick? Particular charges.

In the case of Holman and Young, it was alleged that £1000 had been given to the Chancellor by Young. (a) Holman and Young.

(a) 22nd March.—In a suit between Hull, plaintiff, and Holman, defendant, Holman, deferring his answer, was committed to the Fleet, where he lay twenty weeks, and petitioning to be delivered, was answered by some about the Lord Chancellor, the bill shall be decreed against him *(pro confesso)*, unless he would enter into 2000*l.* bond to stand to the Lord Chancellor's order; which he refusing, his liberty cost him, one way and other, better than 1000*l.* Holman being freed out of the Fleet, Hull petitioned to the Lord Chancellor, and Holman, finding his cause to go hard on his side, complained to the Commons; whereupon the Lord Chancellor sent for him, and, to pacify him, told him, he should have what order he would himself.

From the Tract.—Mercurii, 21st Martii, 1620. Sir Robert Philips reports from the committee to examine Keeling and Churchill, who informed of many corruptions against my Lord Chancellor. 1. In the cause between Hull and Holman, Hull gave or lent my lord 1000*l.* since the suit began.

From the Journals.—March 21, 18th James. Hull and Holman. Sir R. Philips. Another case; Hull and Holman. Holman, refusing to answer, committed; there lay twenty weeks: after required to answer, and to give bond of 2,000*l.* to stand to my Lord Chancellor's order in it. That one Manby, about the Exchange, dealt in this business with Mr. Mewtys. That Holman, finding his order vary, resolved to complain to this house. That, upon Friday last, my lord sent for Hull and Holman; offered to make an indifferent end between them: and that Holman told Keeling he was a happy man now, he could have any thing from my Lord Chancellor.

To the seventh article of the charge, namely, "In the cause between Holman and Young, he received of Young 100*l.* after the decree made for him:" I confess and declare, that as I remember, a good while after the

Upon investigation it appeared, on this charge of a discontented suitor, that instead of £1000 having been advanced, the sum was £100, which was presented on behalf of Young after the decree, either by Young or by Mr. Toby Matthew, a son of the Archbishop of York, through life an intimate friend and correspondent of the Chancellor's, and in 1623 knighted by King James. (*a*)

Worth and Mainwaring.

In the cause of Worth and Mainwaring, it was alleged that the Chancellor had been bribed by £100. Upon examination it appeared, that some months after the decree, which was for a great inheritance, the successful party presented £100. to the Chancellor. (*b*)

Hody and Hody.

In the case of Hody and Hody, the charge was, that £100. or £200. was presented to the Chancellor. The fact was that, some time after the suit was terminated,

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cause ended, I received 100*l.* either by Mr. Toby Matthew, or from Young himself: but whereas I have understood that there was some money given by Holman to my servant Hatcher, to that certainly I was never made privy.—See note G G G.

(*a*) Son of Dr. Tobie Matthew, Archbishop of York. He was born at Oxford, in 1578, while his father was Dean of Christ Church, and educated there. During his travels abroad, he was seduced to the Romish religion by Father Parsons. This occasioned his living out of his own country from the year 1607 to 1617, when he had leave to return to England. He was again ordered to leave it in October, 1618; but in 1622 was recalled to assist in the match with Spain; and, on account of his endeavours to promote it, was knighted by King James I. at Royston, on the 10th October, 1623. He translated into Italian Sir Francis Bacon's Essays, and died at Ghent in Flanders, October 13, 1655, N. S.

(*b*) To the thirteenth article of the charge, namely, "He received of Mr. Worth 100*l.* in respect of the cause between him and Sir Arthur Mainwaring," I confess and declare that this cause, being a cause for inheritance of good value, was ended by my arbitrament and consent of parties; so a decree passed of course; and some months after the cause was ended, the 100*l.* mentioned in the said article was delivered to me by my servant Hunt.—Hunt was detected by the Chancellor as having privately received 200*l.* which he made him return.

Sir Thomas Perrot and Sir Henry Holmes presented the Chancellor with some gold buttons, worth forty guineas. (*a*)

In the case between Reynell and Peacock, the charge was, that there was much money given on both sides, and a diamond ring. The facts turned out to be that presents were given on both sides; that Sir George Reynell was a near ally of the Chancellor's, and presented the gratuity as a New Year's gift for former favours, when the great seal was first delivered to the Lord Keeper, and when presents were, as of course, presented by various persons; and that by the intervention of a friend and neighbour at St. Albans, he borrowed a sum of Peacock. (*b*) Reynell and Peacock.

In the cause of Barker and Hill, the charge was, that the Chancellor had been bribed by a present made by Barker. The fact was, that the sum was presented some time after the decree had been made. (*c*) Barker and Hill.

(*a*) See note G G G.

(*b*) I confess and declare, that at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered to me 200*l.* from Sir George Reynell, my near ally, to be bestowed upon furniture of my house, adding further that he had received divers former favours from me, and this was, as I verily think, before any suit begun. The ring was certainly received *pendente lite*, and though it were at New-year's tide, it was too great a value for a New-year's gift, though, as I take it, nothing near the value mentioned in the charge.

To the twentieth article of the charge, namely, "That he took of Peacock 100*l.* at Dorset House, at my first coming to the seal, as a present, at which time no suit was begun; and at the summer after, I sent my then servant Lister to Mr. Rolfe, my good friend and neighbour at St. Albans, to use his means with Mr. Peacock, who was accounted a moneyed man, for the borrowing of 300*l.* and after by my servant Hatcher for borrowing of 500*l.* more, which Mr. Rolfe procured; and told me at both times it should be without interest, script, or note, and that I should take my own time for payment of it.

(*c*) To the twenty-third article of the charge, namely, "In the cause of Mr. Barker, the Lord Chancellor received from Barker 700*l.*" I confess and declare, that the sum mentioned in the article was received from Mr. Barker some time after the decree past.

Smithwick and Wyche.

In the case of Smithwick and Wyche, the charge was, that Smithwick had presented £600 to the Chancellor, but he had decided against him, and the money was repaid. The fact was, that Smithwick had paid £200 to Hunt, one of the Chancellor's servants, unknown to the Chancellor; that the decision was against Smithwick, and that the Chancellor, when he saw an entry of the sum in his servant's account, had defalced it, and ordered it to be returned. (*a*)

He might, in the same manner, have decomposed all the charges. He might have selected the fourteen cases in which the presents were made after, and many of them long after judgment had been pronounced. (*b*) He might have taken each particular case where the presents were

(*a*) In the cause between Smithwick and Wyche, the matter in question being for accompts; the merchants, to whom it was referred, certified on the behalf of Smithwick; yet Smithwick, to obtain a decree in his cause, was told by one Mr. Borough (one near the Lord Chancellor), that it must cost him 200*l.* which he paid to Mr. Borough, or Mr. Hunt, to the use of the Lord Chancellor; and yet the Lord Chancellor decreed but one part of the certificate; whereupon he treats again with Mr. Borough, who demanded another 100*l.* which Smithwick also paid, to the use of the Lord Chancellor; then his lordship referred the accompts again to the same merchants, who certified again for Smithwick: yet his lordship decreed the second part of the certificate against Smithwick, and the first part (which was formerly decreed for him) his lordship made doubtful. Smithwick petitioned to the Lord Chancellor for his money again, and had it all, save 20*l.* kept back by Hunt for a year.

To the twenty-first article of the charge, namely, "In the cause between Smithwick and Wyche, he received from Smithwick 200*l.* which was repaid:" I confess and declare, that my servant Hunt did, upon his account, being my receiver of the fines upon original writs, charge himself with 200*l.* formerly received of Smithwick; which, after that I had understood the nature of it, I ordered him to repay, and to defalke it out of his accounts.

(*b*) 1. Egerton and Egerton. 2. Hody and Hody. 3. Monk's case. 4. Trevor and Ascue. 5. Holman and Young. 6. Fisher and Wrenham. 7. Scott's case. 8. Lenthall. 9. Wroth's case. 10. Lord Montagu's. 11. Dunch's case. 12. Buswell. 13. Barker. 14. French merchants.

before judgment, and the decrees against the donors. (*a*) He might have explained that, in some of the cases, he acted only as arbitrator; (*b*) and in others that the sums received were not gifts, but loans, and that he had decided against his creditor; (*c*) and in others that the sums offered were refused and returned. And to the twenty-eighth charge, "that the Lord Chancellor hath given way to great exactions by his servants," he surely might have admitted that he was negligent in not looking better to his servants. Standing on a cliff, and surveying the whole intellectual world, he did not see every pebble on the shore.

Some defence of this nature could not but have occurred to the Chancellor?

Fears of the King and Buckingham.

Whatever doubt may exist as to the state of his mind, there is none with respect either to the King or Buckingham. The King was disquieted, and Buckingham robbed of all peace. (*d*) This was the very state of mental fusion favourable for experiment by a shrewd politician. "It is the doctrine of philosophy that to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous." (*e*) This is not the politician's creed. (*f*)

(*a*) As Egerton, and Aubrey, and Wrenham, and, possibly, all of them, for the particulars do not appear, as they would have appeared if against the Chancellor.

(*b*) Egerton and Egerton. Wroth's case. Apothecaries and Grocers. Vintners.

(*c*) Vanlore, a bond and bill with security. Compton's case. Reynell and Peacock.

(*d*) Hackett.

(*e*) Ante.

(*f*) The politician compasses what he considers the best end, by any means. The place-hunter, like the steeple-hunter, keeps his object in view, and cares not how dirty the road by which he arrives at it.

The King's fears, notwithstanding his pecuniary distresses, disposed him to dissolve the parliament, to which he had been advised,(*a*) though by this measure he should lose his two subsidies. Williams dissuaded him from such an expedient. "There is," he said, "no colour to quarrel at this general assembly of the kingdom, for tracing delinquents to their form: it is their proper work, and your majesty hath nobly encouraged them to it. Your lordship," he said, turning to Buckingham, "is jealous, if the parliament continue embodied, of your own safety. Follow it, swim with the tide: trust me and your other servants that have some credit with the most active members, to keep you clear from the strife of tongues; but if you break up this parliament, in pursuit of justice, only to save some cormorants who have devoured that which they must disgorge, you will pluck up a sluice which will overwhelm you all."

Advice of Williams.

The King listened to the advice of Williams; and his determination not to dissolve the parliament was followed, of course, by the consideration how the charges were to be met, by resistance or by submission.

There cannot be any difficulty in following the train of Williams's reasoning in this conclave. "Resistance will be

(*a*) The obnoxious that were brought to the ear of justice, with a multitude that feared to be in as ill condition, saw no way for safety but to poison the King with an ill opinion of the parliament, that it might evaporate into a nullity. They terrify the lord marquis that the grants of these things which are now bastardized by the knights and burgesses, nay, by the lords that envy him, were begotten by his favour and credit. That the arrow of vengeance, which is shot at his brother, grazed him. That it was time to look about him; for at the opening of that session it was much noted, that the King had said before all the members, Spare none where you find just cause to punish. That it were less danger for the King to gather such a sum or greater by his prerogative, though it be out of the way, than to wait for the exhibition of a little money, which will cost dishonour, and the ruin of his most loyal and faithful servants.—Hacket, p. 49.

attended with danger to your lordship and to his majesty. These popular outcries thrive by opposition, and when they cease to be opposed, they cease to exist. The Chancellor has been accused. He cannot escape unheard. He must be acquitted or convicted. He cannot, in this time of excitement and prejudgment, expect justice. His mind will easily be impressed by the fate of other great men, sacrifices to the blind ignorance of a vulgar populace, whom talent will not propitiate or innocence appease. Can it be doubted, that the prudent course will be the Chancellor's submission, as an atonement for all who are under popular suspicion. The only difficulty will be to prevail upon him to submit. He has resolved to defend himself, and in speech he is all powerful; but he is of a yielding nature, a lover of letters, in mind contemplative, although in life active; his love of retirement may be wrought upon; the King can remit any fine, and, the means once secured to him of learned leisure for the few remaining years of his life, he will easily be induced to quit the paradise of earthly honours."

So spake the prelate, and the voice that promised present immunity to the King and his humbled favourite, seemed to them the voice of an angel; but the remedies of a state empiric, like those of all empirics, are only immediate relief; "they help at a pang, but soon leese their operation." (*a*)

The King fatally resolved upon this concession, (*b*) and Bacon's remarkable prediction fell upon him and his suc-

(*a*) See ante, p. xlvi.

(*b*) The giving them over to the power of the parliament not only weakened his own prerogative, but put the House of Commons upon such a pin, that they would let no parliament pass (for the times to come) without some such sacrifice. And so fell Bacon, Lord Chancellor of England, Lord Verulam, and Viscount of St. Albans.—Heylin.

cessor, "They who will strike at your chancellor will strike at your crown."(*a*)

There was not any suggestion by Williams that the Chancellor could not have anticipated, except the monstrous fact that the King and Buckingham were consenting to his downfall. Once convinced that his weak and cowardly master was not only willing but anxious to interpose him between an enraged people and his culpable favourite, his line of conduct became evident: he was as much bound to the stake as if already chained there; and, when the fate of Essex and of Somerset recurred to him, he must have felt how little dependence could be placed upon court favour, and how certain was the utter ruin of a man who attempts to oppose a despotic prince. He might well say, "he was become clay in the King's hand."(*b*) He who is robbed of all that constitutes a man, freedom of thought and action, which is the breath of his nostrils, becomes nothing but a lifeless statue.

Interview with the King.

Before the 16th of April the King sent for the Chancellor, who instantly prepared minutes for their conference,(*c*) in

(*a*) See postea, account by Bushel.

(*b*) See postea, p. cccxlvi.

(*c*) Memoranda of what the Lord Chancellor intended to deliver to the King, April 16, 1621, upon his first access to his Majesty after his troubles.

That howsoever it goeth with me, I think myself infinitely bound to his majesty for admitting me to touch the hem of his garment; and that, according to my faith, so be it unto me. That I ought also humbly to thank his majesty for that, in that excellent speech of his, which is printed, that speech of so great maturity, wherein the elements are so well mingled, by kindling affection, by washing away aspersion, by establishing of opinion, and yet giving way to opinion, I do find some passages which I do construe to my advantage.

And lastly, that I have heard from my friends, that notwithstanding these waves of information, his majesty mentions my name with grace and favour.

In the next place, I am to make an oblation of myself into his majesty's

which he says, "The law of nature teaches me to speak in my own defence. With respect to this charge of bribery, I am as innocent as any born upon St. Innocent's day: I

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hands, that, as I wrote to him, I am as clay in his hands, his majesty may make a vessel of honour or dishonour of me, as I find favour in his eyes and that I submit myself wholly to his grace and mercy, and to be governed both in my cause and fortunes by his direction, knowing that his heart is inscrutable for good. Only I may express myself thus far, that my desire is, that the thread, or line, or my life, may be no longer than the thread or line of my service: I mean that I may be of use to your majesty in one kind or other.

Now for any further speech, I would humbly pray his majesty, that whatsoever the law of nature shall teach me to speak for my own preservation, your majesty will understand it to be in such sort, as I do nevertheless depend wholly upon your will and pleasure. And under this submission, if your majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault and fortune.

For the former of these, I shall deal ingenuously with your majesty, without seeking fig-leaves or subterfuges.

There be three degrees or cases, as I conceive, of gifts and rewards given to a judge.

The first is of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought when I pronounced any sentence or order.

The second is a neglect in the judge to inform himself whether the cause be fully at an end, or no, what time he receives the gift; but takes it upon the credit of the party that all is done, or otherwise omits to inquire.

And the third is, when it is received *sine fraude*, after the cause ended, which it seems by the opinion of the civilians is no offence. Look into the case of simony, &c.

Draught of another paper to the same purpose.

There be three degrees or cases of bribery charged or supposed in a judge.

The first, of bargain or contract, for reward to pervert justice.

The second, where the judge conceives the cause to be at an end, by the information of the party, or otherwise, and useth not such diligence as he ought to inquire of it. And the third, when the case is really ended, and it is *sine fraude*, without relation to any precedent promise.

never had bribe or reward in my eye or thought when pronouncing sentence or order. If, however, it is absolutely necessary, the King's will shall be obeyed. I am ready to make an oblation of myself to the King, in whose hands I am as clay, to be made a vessel of honour or dishonour."

That an interview between the King and Bacon took place is clear, from the following entry in the journals of the House of Lords of April 17:

"The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor unto his majesty, that he might see his majesty and speak

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Now if I might see the particulars of my charge, I should deal plainly with your majesty, in whether of these degrees every particular case falls. But for the first of them, I take myself to be as innocent as any born upon St. Innocent's day in my heart. For the second, I doubt in some particulars I may be faulty. And for the last, I conceived it to be no fault; but therein I desire to be better informed, that I may be twice penitent; once for the fact, and again for the error. For I had rather be a briber than a defender of bribes.

I must likewise confess to your majesty, that at New-year's tides, and likewise at my first coming in (which was, as it were my wedding), I did not so precisely, as perhaps I ought, examine whether those that presented me had causes before me yea or no. And this is simply all that I can say for the present concerning my charge, until I may receive it more particularly. And all this while, I do not fly to that, as to say that these things are *vitia temporis*, and not *vitia hominis*.

For my fortune, *summa summorum* with me is, that I may not be made altogether unprofitable to do your majesty's service or honour. If your majesty continue me as I am, I hope I shall be a new man, and shall reform things out of feeling, more than another can do out of example. If I cast part of my burden, I shall be more strong and *delivré* to bear the rest. And, to tell your majesty what my thoughts run upon, I think of writing a story of England, and of recompiling of your laws into a better digest.

But to conclude, I most humbly pray your majesty's directions and advice. For as your majesty hath used to give me the attribute of care of your business, so I must now cast the care of myself upon God and you.

with him; and although his majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his lordship that favour, yet, for that his lordship is under the trial of this house, his majesty would not on the sudden grant it.

"That, on Sunday last, the King calling all the lords of this house which were of his council before him, it pleased his majesty to shew their lordships what was desired by the Lord Chancellor, demanding their lordships' advice therein.

"The lords did not presume to advise his majesty; for that his majesty did suddenly propound such a course as all the world could not advise a better; which was, that his majesty would speak with him privately.

"That yesterday, his majesty admitting the Lord Chancellor to his presence, his lordship desired that he might have a particular of those matters wherewith he is charged before the lords of this house; for that it was not possible for him, who passed so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his lordship would desire two requests of his majesty. 1. That, where his answers should be fair and clear to those things objected against him, his lordship might stand upon his innocency. 2. Where his answer should not be so fair and clear, there his lordship might be admitted to the extenuation of the charge; and where the proofs were full and undeniable, his lordship would ingenuously confess them, and put himself upon the mercy of the lords.

"Unto all which his majesty's answer was, he referred him to the lords of this house, and therefore his majesty willed his lordship to make report to their lordships.

"It was thereupon ordered, that the Lord Treasurer should signify unto his majesty, that the lords do thank-

fully acknowledge his majesty's favour, and hold themselves highly bound unto his majesty for the same."

At this interview the King, who had determined to sacrifice the "oracle of his counsel rather than the favourite of his affection," gave him his advice, as it was termed, "that he should submit himself to the House of Peers, and that upon his princely word he would then restore him again, if they in their honours should not be sensible of his merits." (*a*)

How little this command accorded with the Chancellor's intention to defend himself, may be gathered from his distress and passionate remonstrance. "I see my approaching ruin: there is no hope of mercy in a multitude, if I do not plead for myself, when my enemies are to give fire. Those who strike at your chancellor will strike at your crown." All remonstrance proving fruitless, he took leave of the King with these memorable words: "I am the first; I wish I may be the last sacrifice." (*a*)

April 17, 1621. The parts were now cast, and the last act of the drama alone remained to be performed.

Meeting of parliament On the 17th of April the house met, when some account of the King's interview with the Chancellor was narrated by the Lord Treasurer, and ordered to be entered upon the journals of the house; and, a rumour having been circulated that Buckingham had sent his brother abroad to escape inquiry, he protested unto the lords, "that whereas the opinion of the world is, that his lordship had sent his brother, Sir Edward Villiers abroad in the King's service, of purpose to avoid his trial touching some grievances complained of by the Commons, his lordship was so far from that, that his lordship did hasten his coming home; (*b*) and, if any thing blame-worthy can be objected against

(*a*) See postea, account by Bushel. (*b*) Ante, p. cccxi.

him, his lordship is as ready to censure him as he was Mompesson."

It was then moved by the Earl of Arundel, that the three several committees do make their report to-morrow morning of the examinations by them taken touching the Lord Chancellor.

On the 20th the Chancellor wrote to the King, to thank him for the goodness manifested in his access on the 16th, and expressing an assured hope, that as the King imitated Christ by not breaking the broken reed, or quenching the smoking flax, so would the lords of the upper house in grace and mercy imitate their royal master:(*a*) and on the 22nd of April he addressed a letter to the House of Lords, which had, of course, been submitted to Buckingham and the King, and was in due time communicated to their lordships by the Prince of Wales. April 20.

In that letter, which can be understood only by those who are in possession of the facts now stated, he consented to desert his defence; and that word used by a man so

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(*a*) The following is the letter:

"To the King.

"It may please your most excellent Majesty,—I think myself infinitely bounden to your majesty for vouchsafing me access to your royal person, and to touch the hem of your garment. I see your majesty imitateth him that would not break the broken reed, nor quench the smoking flax; and as your majesty imitateth Christ, so I hope assuredly my lords of the upper house will imitate you, and unto your majesty's grace and mercy, and next to my lords I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge, which when I shall receive, I shall without fig-leaves or disguise excuse what I can excuse, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I might conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majesty's grace, I rest."

rich in language, so felicitous in every shade of expression, fully discloses what was passing in his mind. He praised the King, chiefly for his mercy, recommended him as an example to the lords, and reminded the prelates that they were the servants of Christ. He concluded his address by intimating what he hoped would be the measure of his punishment, but not till he had related some passages, from ancient history, in his usual manner, and considered the case and its results to society with a degree of philosophical calmness, which could not possibly contemplate the ruin that ensued, or any punishment beyond the loss of his office.

April 24, 1621. King's speech.

On the morning of the 24th the King addressed the house in a speech, which shewed his disposition to meet the wishes of the people by admitting, "that as many complaints are already made against courts of judicature, which are in examination, and are to be proceeded upon by the lords, his majesty will add some, which he thinks fit to be also complained of and redressed, viz. That no orders be made but in public court, and not in chambers; that excessive fees be taken away; that no bribery nor money be given for the hearing of any cause. These and many other things his majesty thought fit to be done this session. And his majesty added, that when he hath done this, and all that he can do for the good of his subjects, he confesseth he hath done but the duty whereunto he was born."—The house then adjourned till the afternoon.

In the afternoon the Prince of Wales "signified unto the lords that the Lord Chancellor had sent the following submission to their lordships:

" To the Right Honourable the Lords of Parliament, in the Upper House assembled. Letter to Lords.

" The humble Submission and Supplication of the Lord Chancellor.

" It may please your Lordships,—I shall humbly crave at your lordships' hands a benign interpretation of that which I shall now write. For words that come from wasted spirits and an oppressed mind are more safe in being deposited in a noble construction, than in being circled with any reserved caution.

" This being moved, and, as I hope, obtained, in the nature of a protection to all that I shall say, I shall now make into the rest of that wherewith I shall at this time trouble your lordships a very strange entrance. For, in the midst of a state of as great affliction as I think a mortal man can endure (honour being above life), I shall begin with the professing of gladness in some things.

" The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection of guiltiness, which (in few words) is the beginning of a golden world. The next, that, after this example, it is like that judges will fly from any thing that is in the likeness of corruption (though it were at a great distance) as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour. And in these two points, God is my witness, that, though it be my fortune to be the anvil upon which these good effects are beaten and wrought, I take no small comfort.

" But, to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are judges, under God and his lieutenant, I do understand there hath been heretofore expected from me some justification; and therefore I have chosen one only

justification instead of all other, out of the justifications of Job. For, after the clear submission and confession which I shall now make unto your lordships, I hope I may say and justify with Job, in these words: 'I have not hid my sin as did Adam, nor concealed my faults in my bosom.' This is the only justification which I will use.

"It resteth, therefore, that without fig-leaves I do ingenuously confess and acknowledge that, having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and memory, I find matter sufficient and full both to move me to desert the defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling those particulars, which I think may fall off,

Quid te exempta juvat spinis de pluribus una?

Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruples touching the credits of the witnesses; neither will I represent unto your lordships how far a defence might, in divers things, extenuate the offence, in respect of the time or manner of the gift, or the like circumstances, but only leave these things to spring out of your own noble thoughts and observations of the evidence and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put into your mind, and so submit myself wholly to your piety and grace.

"And now that I have spoken to your lordships as judges, I shall say a few words to you as peers and prelates, humbly commending my cause to your noble minds and magnanimous affections.

"Your lordships are not simple judges, but parliamentary judges; you have a further extent of arbitrary power than other courts; and, if your lordships be not tied

by the ordinary course of courts or precedents, in points of strictness and severity, much more in points of mercy and mitigation.

"And yet, if any thing which I shall move might be contrary to your honourable and worthy ends to introduce a reformation, I should not seek it. But herein I beseech your lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general; not many years after, the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus, who being upon the point to be sentenced, by the intercession of some principal persons of the senate, was spared; whereupon Livy maketh this grave and gracious observation: *Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii.* The discipline of war was no less established by the questioning of Quintus Maximus than by the punishment of Titus Manlius: and the same reason is of the reformation of justice; for the questioning of men of eminent place hath the same terror, though not the same rigour with the punishment.

"But my case standeth not there. For my humble desire is, that his majesty would take the seal into his hands, which is a great downfall; and may serve, I hope, in itself for an expiation of my faults. Therefore, if mercy and mitigation be in your power, and do no ways cross your ends, why should I not hope of your lordships' favour and commiseration?

"Your lordships will be pleased to behold your chief pattern, the King our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. Your lordships will remember that there sat not these hundred years before a prince in your house, and never such a prince whose presence deserveth to be made

memorable by records and acts mixed of mercy and justice; yourselves are either nobles (and compassion ever beateth in the veins of noble blood) or reverend prelates, who are the servants of Him that would not break the bruised reed, nor quench smoking flax. You all sit upon one high stage; and therefore cannot but be more sensible of the changes of the world, and of the fall of any of high place. Neither will your lordships forget that there are *vitia temporis* as well as *vitia hominis*, and that the beginning of reformations hath the contrary power of the pool of Bethesda; for that had strength to cure only him that was first cast in, and this hath commonly strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no further.

"Lastly, I assure myself your lordships have a noble feeling of me, as a member of your own body, and one that, in this very session, had some taste of your loving affections, which, I hope, was not a lightening before the death of them, but rather a spark of that grace, which now in the conclusion will more appear.

"And therefore my humble suit to your lordships is, that my penitent submission may be my sentence, and the loss of the seal my punishment; and that your lordships will spare any further sentence, but recommend me to his majesty's grace and pardon for all that is past. God's holy spirit be amongst you. Your Lordships' humble servant and suppliant, FR. ST. ALBAN, Canc."

April 22, 1621.

Although the King and Buckingham hoped that this general submission would be satisfactory, the agitation was too great to be thus easily quieted. It was, after deliberation, resolved that the Lord Chancellor's submission gave not satisfaction to their lordships, for that his lordship's

confession therein was not fully nor particularly set down, and for many other exceptions against the submission itself, the same in sort extenuating his confession, and his lordship seeming to prescribe the sentence to be given against him by the house.

Their lordships resolved, that the Lord Chancellor should be charged particularly with the briberies and corruptions complained of against him, and that his lordship should make a particular answer thereunto. It was, therefore, ordered that the particulars of the charge be sent to the Lord Chancellor, and that the lords do expect his answer to the same with all convenient expedition. They were sent accordingly. (*a*)

(*a*) They are subjoined. They are twenty-three in number, expanded by the Chancellor to twenty-eight.

1. In the cause between Sir Rowland Egerton, knt. and Edward Egerton, the Lord Chancellor received five hundred pounds, on the part of Sir Rowland Egerton, before he decreed the same; proved by the depositions of Sir Rowland Egerton: of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor, and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor: of Bevis Thelwall, who delivered the five hundred pounds to the Lord Chancellor.

He received from Edward Egerton, in the said cause, four hundred pounds; proved by the depositions of Sir Richard Young, knight, Sir George Hastings, knight, Rolphe Merefeild, and Tristram Woodward.

2. In the cause between Hody and Hody, he received a dozen of buttons, of the value of fifty pounds, a fortnight after the cause was ended; proved by the depositions of Sir Thomas Perient, knight, and John Churchill, who speaks of a greater value, by the report of Hody.

3. In the cause between the Lady Wharton and the coheirs of Sir Francis Willoughby, he received of the Lady

This fatal result was instantly communicated to the Chancellor by his faithful attendant, Bushel. (*a*) He proceeded, therefore, to a minute answer to each particular

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Wharton three hundred and ten pounds; proved by the depositions of the Lady Wharton, Richard Keeling, and Anthony Gardiner.

4. In Sir Thomas Muncke's cause, he received from Sir Thomas, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit; proved by the deposition of Sir Henry Helmes.

5. In the cause between Sir John Trevor and Ascue, he received, on the part of Sir John Trevor, an hundred pounds, proved by the depositions of Richard Keeling.

6. In the cause between Holman and Young, he received of Young an hundred pounds, after the decree made for him; proved by the depositions of Richard Keeling.

7. In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by the advice of Mr. Shute; proved by the deposition of Sir Edward Fisher.

8. In the cause between Kennedey and Vanlore, he received from Kennedey a rich cabinet, valued at eight hundred pounds; proved by the deposition of James Kennedey.

9. He borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man; proved by the depositions of Peter Vanlore.

10. He received of Richard Scott two hundred pounds after his cause was ended; but, upon a precedent promise, all which was transacted by Mr. Shute; proved by the deposition of Richard Scott.

(*a*) See postea, account by Bushel.

charge, which he so framed that future ages might see the times when the presents were made, and the persons by whom they were offered.

He received, in the same cause, on Sir John Lenthall's part, a hundred pounds; proved by the deposition Edward Shereborne.

11. He received of Mr. Wroth a hundred pounds, in respect of the cause between him and Sir Arthur Mainewaring; proved by the depositions of John Churchill and John Hunt.

12. He received of Sir Ralph Hansby, having a cause depending before him, five hundred pounds; proved by the depositions of Sir Ralph Hansby.

13. William Compton, being to have an extent for a debt of twelve hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day; the Lord Chancellor hereupon sends to borrow five hundred pounds; and, because Compton was to pay to one Huxley four hundred pounds, his lordship requires Huxley to forbear it for six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his lordship decrees Compton to pay Huxley the debt, with damages and costs, where it was in his own hands; proved by the depositions of William Compton.

14. In the cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds; proved by the depositions of Christopher Awbrey, Sir George Hastings, and the letters to the Lord Chancellor from Awbrey.

15. In the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds, and more was to be paid at the ending of the cause; proved by the depositions of Bevis Thelwall.

April 30. On the 30th of April, the Lord Chief Justice signified that he had received from the Lord Chancellor a paper roll,

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16. In the cause of Mr. Dunch, he received from Mr. Dunch two hundred pounds; proved by the depositions of Bevis Thelwall.

17. In the cause between Reynell and Peacock, the Lord Chancellor received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds; proved by the depositions of John Hunt and Sir George Reynell.

He took of Peacock an hundred pounds, and borrowed a thousand pounds, without security, interest, or time of re-payment; proved by the depositions of William Peacock and James Rolf.

18. In the cause between Smithwick and Wych, he received from Smithwick two hundred pounds, which was repaid; proved by the depositions of John Hunt.

19. In the cause of Sir Henry Russwell, he received money from Russwell; but it is not certain how much; proved by the depositions of John Hunt.

20. In the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds; proved by the depositions of Robert Barker and Edward Shereburne.

21. There being a reference from his majesty to his lordship of a business between the Grocers and Apothecaries of London, he received of the Grocers two hundred pounds; proved by the depositions of Sir Thomas Midleton, Alderman Johnson, and John Bunbury.

He received in the same cause of the Apothecaries, that stood with the Grocers, a taster of gold, worth between forty or fifty pounds, together with a present of ambergrease; proved by the depositions of Sir Thomas Midleton and Samuel Jones.

He received of the new company of Apothecaries, that stood against the Grocers, an hundred pounds; proved by the depositions of John Kellet and Gabriel Sheriff.

sealed up, which was delivered to the clerk; and being opened, and found directed to their lordships, it was read:

"To the Right Honourable the Lords Spiritual and Temporal, in the High Court of Parliament assembled.

"The Confession and Humble Submission of me, the Lord Chancellor.

"Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account so far as I am able, I do plainly and ingenuously confess that I am guilty of corruption, and do renounce all defence, and put myself upon the grace and mercy of your lordships.

"The particulars I confess and declare to be as followeth:

"1. To the first article of the charge, viz. in the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause: I do

Egerton and Egerton.

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22. He took of the French merchants a thousand pounds to constrain the Vintners of London to take from them fifteen hundred tuns of wine; proved by the depositions of Robert Bell, William Spright, and Richard Peacock. To accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the Vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need nor use, at higher rates than they were vendible; proved by the depositions of John Child, Henry Ashton, Thomas Haselfote, Raphe Moore, Thomas Knight, and his own letters and orders.

23. The Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and likewise for sealing of injunctions, and otherwise; proved by the depositions of Thomas Manwood and Richard Keeling.

confess and declare, that upon a reference from his majesty of all suits and controversies between Sir Rowland Egerton and Mr. Edward Egerton, both parties submitted themselves to my award, by recognizance reciprocal in ten thousand marks a-piece. Thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then, some days after, the five hundred pounds mentioned in the charge was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland, to have the award confirmed; and upon that suit was the decree made which is mentioned in the article.

"2. To the second article of the charge, viz. in the same cause he received from Edward Egerton four hundred pounds: I confess and declare, that, soon after my first coming to the seal (being a time when I was presented by many), the four hundred pounds mentioned in the charge was delivered unto me in a purse, and I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect to favours to come.

Hody and Hody.

"3. To the third article of the charge, viz. in the cause between Hody and Hody, he received a dozen of buttons, of the value of fifty pounds, about a fortnight after the cause was ended: I confess and declare, that, as it is laid in the charge, about a fortnight after the cause was ended (it being a suit of a great inheritance), there were gold buttons about the value of fifty pounds, as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perient and the party himself.

Wharton and Willoughby.

"4. To the fourth article of the charge, viz. in the cause between the Lady Wharton and the co-heirs of Sir Francis

Willoughby, he received of the Lady Wharton three hundred and ten pounds: I confess and declare, that I received of the Lady Wharton, at two several times (as I remember) in gold, two hundred pounds and an hundred pieces, and this was certainly *pendente lite;* but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the Register, in entering some orders, which afterwards I did distaste.

" 5. To the fifth article of the charge, viz. in Sir Thomas Monk's cause, he received from Sir Thomas Monk, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three quarters of a year after the suit was ended: I confess it to be true, that I received an hundred pieces; but it was long after the suit ended, as is contained in the charge. Monk.

" 6. To the sixth article of the charge, viz. in the cause between Sir John Treavor and Ascue, he received, on the part of Sir John Treavor, an hundred pounds: I confess and declare, that I received at New Year's-tide an hundred pounds from Sir John Treavor; and because it came as a New Year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite.* Treavor and Ascue.

" 7. To the seventh article of the charge, viz. in the cause between Holman and Young, he received of Young an hundred pounds, after the decree made for him: I confess and declare, that, as I remember, a good while after the cause ended, I received an hundred pounds, either by Mr. Tobie Matthew, or from Young himself; but whereas I understood that there was some money given by Holman to my servant Hatcher, with that certainly I was never made privy. Holman and Young.

" 8. To the eighth article of the charge, viz. in the cause

Fisher and Wrenham. between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings, worth an hundred and sixty pounds and better, which Fisher gave by advice of Mr. Shute: I confess and declare, that some time after the decree passed, I being at that time upon remove to York House, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others that were no way suitors did present me the like about that time.

Kennedey and Vanlore. "9. To the ninth article of the charge, viz. in the cause between Kennedey and Vanlore, he received a rich cabinet from Kennedey, prized at eight hundred pounds: I confess and declare, that such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back, and was offended when I heard it was not; and some year and an half after, as I remember, Sir John Kennedey having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinckney, that it might be delivered to him, for that he stood engaged for the money that Sir John Kennedey paid for it. And thereupon Sir John Kennedey wrote a letter to my servant Shereborne with his own hand, desiring that I would not do him that disgrace as to return that gift back, much less to put it into a wrong hand; and so it remains yet ready to be returned to whom your lordships shall appoint.

"10. To the tenth article of the charge, viz. he borrowed of Vanlore a thousand pounds, upon his own bond, at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt, his man: I confess and declare, that I borrowed the money in the article set down, and that this is a true debt. And I remember well that I

wrote a letter from Kew, above a twelvemonth since, to a friend about the King, wherein I desired that, whereas I owed Peter Vanlore two thousand pounds, his majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.

" 11. To the eleventh article of the charge, viz. he received of Richard Scott two hundred pounds, after his cause was decreed (but upon a precedent promise), all which was transacted by Mr. Shute: I confess and declare, that some fortnight after, as I remember that the decree passed, I received two hundred pounds, as from Mr. Scott, by Mr. Shute; but, for any precedent promise or transaction by Mr. Shute, certain I am I knew of none. Scott.

" 12. To the twelfth article of the charge, viz. he received in the same cause, on the part of Sir John Lentall, an hundred pounds: I confess and declare, that some months after, as I remember, that the decree passed, I received an hundred pounds by my servant Shereburne, as from Sir John Lentall, who was not the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Powre. Lentall.

" 13. To the thirteenth article of the charge, viz. he received of Mr. Wroth an hundred pounds, in respect of the cause between him and Sir Arthur Maynewaringe: I confess and declare, that this cause, being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties; and so a decree passed of course. And some month after the cause thus ended, the hundred pounds mentioned in the article was delivered to me by my servant Hunt. Wroth and Waynewaringe.

" 14. To the fourteenth article of the charge, viz. he received of Sir Raphe Hansby, having a cause depending before him, five hundred pounds: I confess and declare, that there were two decrees, one, as I remember, for the Hansby.

inheritance, and the other for goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said five hundred pounds were delivered me by Mr. Tobie Matthew, so as I cannot deny but it was upon the matter, *pendente lite.*

Compton. "15. To the fifteenth article of the charge, viz. William Compton being to have an extent for a debt of one thousand and two hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day. The Lord Chancellor hereupon sends to borrow five hundred pounds; and because Compton was to pay four hundred pounds to one Huxley, his lordship requires Huxley to forbear it six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his lordship decrees Compton to pay Huxley the debt, with damages and costs, when it was in his own hands: I declare, that in my conscience, the stay of the extent was just, being an extremity against a nobleman, by whom Compton could be no loser. The money was plainly borrowed of Compton upon bond with interest; and the message to Huxley was only to intreat him to give Compton a longer day, and in no sort to make me debtor or responsible to Huxley; and, therefore, though I were not ready to pay Compton his money, as I would have been glad to have done, save only one hundred pounds, which is paid; I could not deny justice to Huxley, in as ample manner as if nothing had been between Compton and me. But, if Compton hath been damnified in my respect, I am to consider it to Compton.

Awbrey. "16. To the sixteenth article of the charge, viz. in the cause between Sir William Bronker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds: I do confess and declare, that the money was

given and received; but the manner of it I leave to the witnesses.

" 17. To the seventeenth article of the charge, viz. in the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds; and more was to be paid at the ending of the cause: I confess and declare, there was money given, and (as I remember) by Mr. Bevis Thelwall, to the sum mentioned in the article after the cause was decreed; but I cannot say it was ended, for there have been many orders since, caused by Sir Frauncis Englefeild's contempts; and I do remember that, when Thelwall brought the money, he said, that my lord would be further thankful if he could once get his quiet; to which speech I gave little regard. Mountague.

" 18. To the eighteenth article of the charge, viz. in the cause of Mr. Dunch, he received of Mr. Dunch two hundred pounds: I confess and declare, that it was delivered by Mr. Thelwall to Hatcher my servant, for me, as I think, some time after the decree; but I cannot precisely inform myself of the time. Dunch.

" 19. To the nineteenth article of the charge, viz. in the cause between Reynell and Peacock, he received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds: I confess and declare, that, at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds, from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding further, that he received divers former favours from me; and this was, as I verily think, before any suit begun. The ring was received certainly *pendente lite;* and, though it were at New year's-tide, yet it was too great a value for a New year's gift, though, as I take it, nothing near the value mentioned in the article. Reynell and Peacock.

"20. To the twentieth article of the charge, viz. he took of Peacock an hundred pounds, and borrowed a thousand pounds, without interest, security, or time of payment: I confess and declare, that I received of Mr. Peacock an hundred pounds at Dorset House, at my first coming to the seal, as a present; at which time no suit was begun; and that, the summer after, I sent my then servant Lister to Mr. Rolf, my good friend and neighbour, at St. Albans, to use his means with Mr. Peacock (who was accounted a monied man), for the borrowing of five hundred pounds; and after, by my servant Hatcher, for borrowing of five hundred pounds more, which Mr. Rolf procured, and told me, at both times, that it should be without interest, script, or note; and that I should take my own time for payment of it.

Smithwick and Wyche. "21. To the one and twentieth article of the charge, viz. in the cause between Smithwick and Wyche, he received from Smithwick two hundred pounds, which was repaid: I confess and declare, that my servant Hunt did, upon his accompt, being my receiver of the fines of original writs, charge himself with two hundred pounds, formerly received of Smithwick, which after that I had understood the nature of it, I ordered him to repay it, and to defaulk it of his accompt.

Russwell. "22. To the two and twentieth article of the charge, viz. in the cause of Sir Henry Russwell, he received money from Russwell; but it is not certain how much: I confess and declare, that I received money from my servant Hunt, as from Mr. Russwell, in a purse; and, whereas the sum in the article is indefinite, I confess it to be three or four hundred pounds; and it was about some months after the cause was decreed, in which decree I was assisted by two of the judges.

Barker. "23. To the three and twentieth article of the charge,

viz. in the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds: I confess and declare, that the money mentioned in the article was received from Mr. Barker, some time after the decree passed.

"24. To the four and twentieth article, five and twentieth, and six and twentieth articles of the charge, viz. the four and twentieth, there being a reference from his majesty to his lordship of a business between the Grocers and the Apothecaries, the Lord Chancellor received of the Grocers two hundred pounds. The five and twentieth article: in the same cause, he received of the Apothecaries that stood with the Grocers, a taster of gold, worth between forty and fifty pounds, and a present of ambergrease. And the six and twentieth article: he received of the New Company of the Apothecaries that stood against the Grocers, an hundred pounds: To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord, or composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive that which they voluntarily presented; for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to accompt to the three several companies. Apothecaries and Grocers.

"27. To the seven and twentieth article of the charge, viz. he took of the French merchants a thousand pounds, to constrain the vintners of London to take from them fifteen hundred tons of wine; to accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending; terrifying the vintners, by threats and imprisonments of their persons, to buy wines, whereof they had no need or use, at higher Vintners.

rates than they were vendible: I do confess and declare, that Sir Thomas Smith did deal with me in the behalf of the French company; informing me, that the vintners, by combination, would not take off their wines at any reasonable prices. That it would destroy their trade, and stay their voyage for that year; and that it was a fair business, and concerned the state; and he doubted not but I should receive thanks from the King, and honour by it; and that they would gratify me with a thousand pounds for my travel in it; whereupon I treated between them, by way of persuasion, and (to prevent any compulsory suit) propounding such a price as the vintners might be gainers six pounds a ton, as it was then maintained to me; and after, the merchants petitioning to the King, and his majesty recommending the business unto me, as a business that concerned his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messengers' hands for a day or two some that were the more stiff; and afterwards the merchants presented me with a thousand pounds out of their common purse; acknowledging themselves that I had kept them from a kind of ruin, and still maintaining to me that the vintners, if they were not insatiably minded, had a very competent gain. This is the merits of the cause, as it then appeared unto me.

Servants. "28. To the eight and twentieth article of the charge, viz. the Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions: I confess, it was a great fault of neglect in me, that I looked no better to my servants.

"This declaration I have made to your lordships with a sincere mind; humbly craving, that if there should be any mistaking, your lordships would impute it to want of memory, and not to any desire of mine to obscure truth,

or palliate any thing: for I do again confess, that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect, for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court.

"For extenuation, I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for an avaricious man. And the apostle saith, that covetousness is the root of all evil. I hope also, that your lordships do the rather find me in the state of grace; for that, in all these particulars, there are few or none that are not almost two years old, whereas those that have an habit of corruption do commonly wax worse and worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency. And for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

"And so, fearing I have troubled your lordships too long, I shall conclude with an humble suit unto you, that if your lordships proceed to sentence, your sentence may not be heavy to my ruin, but gracious, and mixed with mercy; and not only so, but that you would be noble intercessors for me to his majesty likewise, for his grace and favour. Your Lordships' humble servant and suppliant,

"Fr. St. Alban, Canc."

This confession and submission being read, it was agreed that certain lords (*a*) do go unto the Lord Chancellor, and

(*a*) L. Chamberlain, E. of Arundel, E. of Southampton, L. Bp. of Durham, L. Bp. of Winton, L. Bp. of Co. and Lich., L. Wentworth, L. Cromwell, L. Sheffeild, L. North, L. Chandois, and L. Hunsdon.

shew him the said confession; and tell him, that the lords do conceive it to be an ingenuous and full confession, and demand whether it be his own hand that is subscribed to the same; and their lordships being returned, reported, that the Lord Chancellor said, "It is my act, my hand, my heart. I beseech your lordships, be merciful unto a broken reed."

May 2. On the 2nd of May, the seals having been sequestered, the house resolved to proceed to judgment on the next day. (*a*)

Letter to the King. In this interval, on the evening of the 2nd of May, the Chancellor wrote to the King, "to save him from the sentence, to let the cup pass from him; for if it is reformation that is sought, taking the seals will, with the general submission, be sufficient atonement." (*b*)

(*a*) Agreed to proceed to sentence the Lord Chancellor to-morrow morning; wherefore the gentleman usher and the serjeant at arms, attendants on this house, were commanded to go and summon him the Lord Chancellor to appear here in person to-morrow morning, by nine of the clock; and the serjeant was commanded to take his mace with him, and to shew it unto his lordship at the said summons. They found him sick in bed; and being summoned, he answered that he was sick, and protested that he feigned not this for any excuse; for if he had been well, he would willingly have come. The Lords resolved to proceed notwithstanding against the said Lord Chancellor; and therefore, on Thursday, the third of May, their lordships sent their message unto the Commons to this purpose.

(*b*) The following is the letter:

It may please your Majesty,—It hath pleased God for these three days past, to visit me with such extremity of headach upon the hinder part of my head, fixed in one place, that I thought verily it had been some imposthumation; and then the little physic that I have told me that either it must grow to a congelation, and so to a lethargy, or to break, and so to a mortal fever or sudden death; which apprehension, and chiefly the anguish of the pain, made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care

These his last hopes were vain: the King did not, he could not interpose.

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of my business, and therein prostrate myself again, by my letter at your majesty's feet.

Your majesty can bear me witness, that at my last so comfortable access, I did not so much as move your majesty by your absolute power of pardon, or otherwise, to take my cause into your hands, and to interpose between the sentence of the house. And according to my desire, your majesty left it to the sentence of the house by my Lord Treasurer's report.

But now if not *per omnipotentiam*, as the divines say, but *per potestatem suaviter disponentem*, your majesty will graciously save me from a sentence, with the good liking of the house, and that cup may pass from me, it is the utmost of my desires. This I move with the more belief, because I assure myself, that if it be reformation that is sought, the very taking away of the seal, upon my general submission, will be as much in example, for these four hundred years, as any further severity.

The means of this I most humbly leave unto your majesty, but surely I should conceive, that your majesty opening yourself in this kind to the Lords, Counsellors, and a motion of the Prince, after my submission, and my Lord Marquis using his interest with his friends in the house, may affect the sparing of the sentence: I making my humble suit to the house for that purpose, joined with the delivery up of the seal into your majesty's hands. This is my last suit that I shall make to your majesty in this business, prostrating myself at your mercy-seat, after fifteen years' service, wherein I have served your majesty in my poor endeavours, with an entire heart. And, as I presume to say unto your majesty, am still a virgin, for matters that concern your person or crown, and now only craving that after eight steps of honour, I be not precipitated altogether.

May 3. Sentence.

On the 3rd of May the Lords adjudged, "that, upon his own confession, they had found him guilty: and therefore that he shall undergo fine and ransom of forty thousand pounds; be imprisoned in the Tower during the King's pleasure; be for ever incapable of any office, place, or employment in the state or commonwealth; and shall never sit in parliament, nor come within the verge of the court."

Thus fell from the height of worldly prosperity Francis Lord Chancellor of Great Britain.

His silence.

The cause of his having deserted his defence he never revealed. He patiently endured the agony of uncommunicated grief. (*a*) He confidently relied upon the justice of future ages. There are, however, passages in his writings where his deep feeling of the injury appear.

In his Advancement of Learning we are admonished that, "Words best disclose our minds when we are agitated,

Vino tortus et ira;

for, as Proteus never changed shapes till he was straitened and held fast with cords, so our nature appears most fully in trials and vexations." (*b*)

But because he that hath taken bribes is apt to give bribes, I will go further, and present your majesty with bribe; for if your majesty give me peace and leisure, and God give me life, I will present you with a good History of England, and a better Digest of your Laws. And so concluding with my prayers, I rest

Clay in your Majesty's hands,

May 2, 1621. FR. ST. ALBAN.

(*a*) See Essay on Friendship, vol. i.

(*b*) The following is the passage:—"As for words, though they be, like waters to physicians, full or flattery and uncertainty, yet they are not to be despised, specially with the advantage of passion and affection. For so we

By observing his words in moments of agitation the state of his mind is manifest.

When imprisoned in the Tower, he instantly wrote to Buckingham, saying, "However I have acknowledged that the sentence is just, and for reformation sake fit, I have been a trusty and honest, and Christ-loving friend to your lordship, and the justest chancellor that hath been in the five changes since my father's time." (*b*) Letter from the Tower.

In another letter, "God is my witness that, when I examine myself, I find all well, and that I have approved myself to your lordship a true friend both in the watery trial of prosperity and in the fiery trial of adversity:" (*c*) "I hope his majesty may reap honour out of my adversity, as he hath done strength out of my prosperity." (*d*)

"For the briberies and gifts wherewith I am charged, when the book of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times," was his expression in the midst of his agony. (*e*) Letter to the King.

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see Tiberius, upon a stinging and incensing speech of Agrippina, came a step forth of his dissimulation, when he said, 'You are hurt, because you do not reign;' of which Tacitus saith, 'Audita hæc raram occulti pectoris vocem elicuere, correptamque Græco versu admonuit: ideo lædi, quia non regnaret.' And therefore the poet doth elegantly call passions, tortures, that urge men to confess their secrets:

'Vino tortus et ira.'

And experience sheweth, there are few men so true to themselves, and so settled, but that, sometimes upon heat, sometimes upon bravery, sometimes upon kindness, sometimes upon trouble of mind and weakness, they open themselves; specially if they be put to it with a counter-dissimulation, according to the proverb of Spoin, 'Di mentira, y sacaras verdad:' tell a lie, and find a truth."

(*b*) See postea, page cccLxxix.
(*c*) See postea, page cccLxxxiii.
(*d*) See postea, p. cccLxxxiv.
(*e*) See ante, p. cccxxxii.

Lambeth Library.

In a collection of his letters in the Lambeth Library there is the following passage in Greek characters: Οφ μγ οφενσ, φαρ βε ιτ φρομ με το σαγ, δατ νενιαμ κορνις; νεξατ κενσυρα κολυμβασ: βυτ ι ωιλλ σαγ θατ ι ανε γοοδ ωαρραντ φορ: θεγ ωερε νοτ θε γρεατεστ οφφενδερς ιν Ισραελ υπον ωηομ θε ωαλλ φελλ. (*a*)

Will.

In his will, he says, "For my name and memory, I leave it to men's charitable speeches, to foreign nations, and the next ages."

These words, not to be read till he was at rest from his labours, were cautiously selected, (*b*) with the knowledge, which he, above all men, possessed of the power of expression, and of their certain influence, sooner or later, upon society. (*c*)

The obligation to silence, imposed upon Bacon, extended to his friends after he was in the grave.

Silence of friends.

Dr. Rawley, his first and last chaplain, says, "Some papers touching matters of estate, tread too near to the heels of truth, and to the times of the persons concerned."

Tennison.

Archbishop Tennison says, "The great cause of his suffering is to some a secret. I leave them to find it out by his words to King James: 'I wish that as I am the

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(*a*) Decyphered it is as follows: Of my offence, far be it from me to say, *dat veniam corvis; vexat censura Columbas:* but I will say that I have good warrant for: they were not the greatest offenders in Israel upon whom the wall fell.

(*b*) In a former will (see Baconiana, p. 203) there is the same wish expressed, not in such polished terms. The sentence is, "For my name and memory, I leave it to foreign nations and to mine own countrymen, after some time be passed over."

(*c*) FRANCISCUS
DE VERULAMIO
SIC COGITAVIT

is the opening of the Novum Organum.

first, so I may be the last of sacrifices in your times: and when, from private appetite, it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed, to make a fire to offer it with."

From these observations it may be seen, that there was a conflict in the minds of these excellent men between their inclination to speak and their duty to be silent. They did not violate this duty; but one of his most sincere and grateful admirers, who, although he had painfully, but sacredly, preserved the secret from his youth to his old age, at last thus spoke: (*a*)

"Before this could be accomplished to his own content, Bushel. there arose such complaints against his lordship, and the then favourite at court, that for some days put the King to this quere, whether he should permit the favourite of his affection, or the oracle of his council, to sink in his service; whereupon his lordship was sent for by the King, who, after some discourse, gave him this positive advice, to submit himself to his house of peers, and that, upon his princely word, he would then restore him again, if they, in their honours, should not be sensible of his merits. Now, though my lord saw his approaching ruin, and told his majesty there was little hopes of mercy in a multitude, when his enemies were to give fire, if he did not plead for himself: yet such was his obedience to him from whom he had his being, that he resolved his majesty's will should be his only law; and so took leave of him with these words: Those that will strike at your chancellor, it is much to be feared, will strike at your crown; and wished, that as he was then the first, so he might be the last of sacrifices.

(*a*) For an account of Bushel, see note G G G. At the time of Bacon's death, in 1626, he was about twenty-six years of age: he published the tract in 1659.

"Soon after, according to his majesty's commands, he wrote a submissive letter to the house, and sent me to my Lord Windsor to know the result, which I was loth, at my return, to acquaint him with; for, alas! his sovereign's favour was not in so high a measure, but he, like the phœnix, must be sacrificed in flames of his own raising, and so perished, like Icarus, in that his lofty design: the great revenue of his office being lost, and his titles of honour saved but by the bishops' votes, whereto he replied, that he was only bound to thank his clergy.

"The thunder of which fatal sentence did much perplex my troubled thoughts as well as others, to see that famous lord, who procured his majesty to call this parliament, must be the first subject of their revengeful wrath, and that so unparalleled a master should be thus brought upon the public stage, for the foolish miscarriage of his own servants, whereof, with grief of heart, I confess myself to be one. Yet shortly after, the King dissolved the parliament, but never restored that matchless lord to his place, which made him then to wish the many years he had spent in state policy and law study had been solely devoted to true philosophy: for, said he, the one, at the best doth but comprehend man's frailty, in its greatest splendour; but the other, the mysterious knowledge of all things created in the six days' work."

Williams Lord Keeper.

On the 11th of July the great seals were delivered to Williams, who was now Lord Keeper of England and Bishop of Lincoln, with permission to retain (*a*) the deanery

(*a*) "The bishopric of Lincoln was bestowed upon him by the royal congé d'elire, the largest diocess in the land, because this new elect had the largest wisdom to superintend so great a circuit. Yet inasmuch as the revenue of it was not great, it was well preced out with a grant to hold the deanery of Westminster, into which he had shut himself fast with as strong bolts and bars as the law could make: else when the changes began to sing in the fifth year after, he had been thrust out of doors in a storm, when he

of Westminster, and to hold the rectory of Waldegrave in commendam. (*a*)

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had most need of a covering. Yet some suitors were so importunate to compass this deanery upon his expected leaving, that he was put to it to plead hard for that *commenda* before he carried it. The King was in his progress, and the lord marquis with him, to whom he writes to present his reasons to the King, which were, that the post of the lord keeper's place, though he would strike sail more than any that preceded him, must be maintained in some convenient manner. Here he was handsomely housed, which if he quitted, he must trust to the King to provide one for him as his majesty and his predecessors have ever done to their chancellors. Here he had some supplies to his housekeeping from the college in bread, beer, and fuel, of which if he should be deprived, he must be forced to call for a diet, which would cost the King 1,600*l.* per annum, or crave for some addition in lieu thereof, out of the King's own means, as all his foregoers in that office had done. He might have added, for it was in the bottom of his breast, he was loath to stir from that seat where he had the command of such exquisite music. A request laid out in such remonstrance could not be refused by so gracious a prince who granted twenty suits to one he denied. *Magnarum largita opum, largitor honorum pronus*, which singularly fits King James, though Claudian made it for Honorius. Likewise, by the indulgence of his commenda, he reserved the rectory of Waldegrave to himself, a trifle not worthy to be remembered, but his reason is not unworthy to be detailed. That in the instability of human things, every man must look for a dissolution of his fortunes, as well as for the dissolution of his body. Anselm, Archbishop of Canterbury, kept his right to a poor cell in the monastery of Bec in Normandy, and that hospitality kept him when he fled out of England, and all the revenues of his mitre failed him: Stephen Gardiner, Bishop of Winchester, held the mastership of Trinity to his dying day, and said often, if all his palaces were blown down by iniquity, he would creep honestly into that shell. They that will not be wise by these examples I will send them to school to a fable in Plautus. *Cogitato mus pusillus quam sit sapiens bestia et ætatem qui ævi cubili nunquam committat suam, qui si unum ostium obsideatur aliud perfugium quævit.* So in the upshot he said Waldegrave was but a mousehole, yet it would be a pretty fortification to entertain him if he had no other home to resort to. Many such divinations flashed from others, who saw the hills of the robbers afar off, who have now devoured the heritage of Jacob, and say they are not guilty; and they that have sold us and bought us say, Blessed be the Lord, for we are rich."—Hacket's Life of Williams, p. 62.

(*a*) How sagacious was the bishop in these stipulations, in refusing to advance till he had secured a retreat. Buckingham afterwards boasted,

CHAPTER IV.

FROM HIS FALL TO HIS DEATH.

1621 to 1626.

SUCH was the storm in which he was wrecked. "Methinks," says Archbishop Tennison, "they are resembled by those of Sir George Summers, who being bound by his employment to another coast, was by tempest cast upon the Bermudas: and there a shipwrecked man made full discovery of a new temperate fruitful region, where none had before inhabited; and which mariners, who had only seen as rocks, had esteemed an inaccessible and enchanted place.

This temperate region was not unforeseen by the Chancellor.

In a letter to the King, on the 20th March, 1622, he says, "In the beginning of my trouble, when in the midst of the tempest, I had a kenning of the harbour, which I hope now by your majesty's favour I am entering into: now my study is my exchange, and my pen my practice for the use of my talent."

It is scarcely possible to read a page of his works without seeing that the love of knowledge was his ruling

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"that of all he had given him he would leave him nothing," a threat which he fulfilled to the letter.—Hacket's Life of Williams, part 2, p. 19. The Countess of Buckingham told the Lord Keeper that St. David's was the man that did undermine him with her son, and would underwork any man that himself might rise.

In two years of King Charles's reign Buckingham pulled down Williams, Lee, Conway, Suckling, Crew, and Walter.

passion; that his real happiness consisted in intellectual delight. How beautifully does he state this when enumerating the blessings attendant upon the pursuit and possession of knowledge:

"The pleasure and delight of knowledge and learning far surpasseth all other in nature: for, shall the pleasures of the affections so exceed the senses, as much as the obtaining of desire or victory exceedeth a song or a dinner; and must not, of consequence, the pleasures of the intellect or understanding exceed the pleasures of the affections? We see in all other pleasures there is satiety, and after they be used their verdure departeth, which sheweth well they be but deceits of pleasure, and not pleasures; and that it was the novelty which pleased, and not the quality; and therefore we see that voluptuous men turn friars, and ambitious princes turn melancholy; but of knowledge there is no satiety, but satisfaction and appetite are perpetually interchangeable; (*a*) and therefore appeareth to be good in itself simply, without fallacy or accident. Neither is that pleasure of small efficacy and contentment to the mind of man, which the poet Lucretius describeth elegantly,

Suave mari magno, turbantibus æquora ventis, &c.

'It is a view of delight, to stand or walk upon the shore side, and to see a ship tossed with tempest upon the sea; or to be in a fortified tower, and to see two battles join upon a plain; but it is a pleasure incomparable for the mind of man to be settled, landed, and fortified in the certainty of truth; and from thence to decry and behold the errors, perturbations, labours, and wanderings up and down of other men.'" (*b*)

(*a*) "Heaven and earth pass away, but my words do not pass away."

(*b*) Advancement of Learning.

Happy would it have been for himself and society, if following his own nature, he had passed his life in the calm but obscure regions of philosophy.

He now, however, had escaped from worldly turmoils, and was enabled, as he wrote to the King, to gratify his desire "to do, for the little time God shall send me life, like the merchants of London, which, when they give over trade, lay out their money upon land: so, being freed from civil business, I lay forth my poor talent upon those things, which may be perpetual, still having relation to do you honour with those powers I have left."

In a letter to Buckingham, on the 20th of March, 1621, he says, "I find that, building upon your lordship's noble nature and friendship, I have built upon the rock, where neither winds nor waves can cause overthrow:" and, in the conclusion of the same year,(*a*) "I am much fallen in love with a private life, but yet I shall so spend my time, as shall not decay my abilities for use."

And in a letter to the Bishop of Winchester,(*b*) in which, after having considered the conduct in their banishments, of Demosthenes, Cicero, and Seneca, he proceeds thus: "These examples confirmed me much in a resolution, whereunto I was otherwise inclined, to spend my time wholly in writing, and to put forth that poor talent, or half talent, or what it is that God hath given me, not as heretofore to particular exchanges, but to banks or mounts of perpetuity, which will not break. Therefore having not long since set forth a part of my Instauration, which is the work that in mine own judgment, *si nunquam fallit imago*, I may most esteem, I think to proceed in some new parts thereof; and although I have received from many parts beyond the seas testimonies touching that

(*a*) Sept. 5, 1621. (*b*) See vol. vii. p. 113.

work, such as beyond which I could not expect at the first in so abstruse an argument, yet, nevertheless, I have just cause to doubt that it flies too high over men's heads. I have a purpose, therefore, though I break the order of time, to draw it down to the sense by some patterns of a natural story and inquisition. And again, for that my book of Advancement of Learning may be some preparative or key for the better opening of the Instauration, because it exhibits a mixture of new conceits and old; whereas the Instauration gives the new unmixed, otherwise than with some little aspersion of the old, for taste's sake, I have thought good to procure a translation of that book into the general language, not without great and ample additions and enrichment thereof, especially in the second book, which handleth the partition of sciences, in such sort, as I hold it may serve in lieu of the first part of the Instauration, and acquit my promise in that part.

"Again, because I cannot altogether desert the civil person that I have born, which if I should forget, enough would remember. I have also entered into a work touching laws, propounding a character of justice in a middle term, between the speculative and reverend discourses of philosophers and the writings of lawyers, which are tied, and obnoxious to their particular laws; and although it be true that I had a purpose to make a particular digest, or recompilement of the laws of mine own nation, yet because it is a work of assistance, and that I cannot master by my own forces and pen, I have laid it aside. Now having in the work of my Instauration had in contemplation the general good of men in their very being, and the dowries of nature; and in my work of laws, the general good of men likewise in society, and the dowries of government: I thought in duty I owed somewhat to my country, which I ever loved; insomuch, as although my place hath been far

above my desert, yet my thoughts and cares concerning the good thereof were beyond and over and above my place: so now, being as I am, no more able to do my country service, it remained unto me to do it honour; which I have endeavoured to do in my work of the reign of King Henry VII. As for my essays, and some other particulars of that nature, I count them but as the recreation of my other studies, and in that sort I purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and embracement, perhaps, yield more lustre aud reputation to my name than those other which I have in hand. But I account the use that a man should seek of the publishing his own writings before his death to be but an untimely anticipation of that which is proper to follow a man, and not to go along with him."

Imprisonment of Bacon.

The sentence now remained to be executed. On the last day of May, Lord St. Albans was committed to the Tower; and, though he had placed himself altogether in the King's hands, confident in his kindness, it is not to be supposed that he could be led to prison without deeply feeling his disgrace. In the anguish of his mind he instantly wrote to Buckingham and to the King, submitting, but maintaining his integrity as Chancellor.

"Good my Lord,—Procure the warrant for my discharge this day. Death, I thank God, is so far from being unwelcome to me, as I have called for it (as Christian resolution would permit) any time these two months. But to die before the time of his majesty's grace, and in this disgraceful place, is even the worst that could be; and when I am dead, he is gone that was always in one tenor, a true and perfect servant to his master, and one that was never author of any immoderate, no, nor unsafe, no (I will say it), not unfortunate counsel; and one that no tempta-

tion could ever make other than a trusty, and honest, and Christ-loving friend to your lordship; and howsoever I acknowledge the sentence just, and for reformation sake fit, the justest Chancellor that hath been in the five changes since Sir Nicholas Bacon's time. God bless and prosper your lordship, whatsoever become of me.

"Your Lordship's true friend, living and dying,

Tower, 51st May, 1621. "FR. ST. ALBAN." (*a*)

After two days' imprisonment he was liberated: (*b*) and, Liberation
the sentence not permitting him to come within the verge of the court, he retired, with the King's permission, to Sir John Vaughan's house at Parson's Green, (*c*) from whence,

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(*a*) That he wrote to the King is clear, from a letter dated June 22, 1621, which concludes thus: "I submit myself, desiring his majesty and your lordship to take my letters from the Tower as written *de profundis*, and those I continue to write to be *ex aquis falsis*."

(*b*) The following is the notice in Camden. It is placed as after May 15, and before June 1, 1621: "Ex cancellarius in arcem traditur, post biduum deliberatus."

(*c*) In a letter to the Prince of Wales, dated June 1, he says: "I am much beholden to your highness's worthy servant, Sir John Vaughan, the sweet air and loving usage of whose house hath already much revived my languishing spirits, I beseech your highness, thank him for me. God ever preserve and prosper your highness. Your Highness's most humble and most bounden servant, FR. ST. ALBAN."

Upon his arrival at Sir John's, he wrote to express his obligations both to the King and to Buckingham.

To the King.—It may please your most excellent Majesty,—I humbly thank your majesty for my liberty, without which timely grant any farther grace would have come too late. But your majesty, that did shed tears in the beginning of my trouble, will, I hope, shed the dew of your grace and goodness upon me in the end. Let me live to serve you, else life is but the shadow of death to your Majesty's most devoted servant,

June 4, 1621. FR. ST. ALBAN.

To the Marquis of Buckingham.—My very good Lord, I heartily thank your lordship for getting me out of prison, and now my body is out, my

although anxious to continue in or near London, he went, in compliance with his majesty's suggestion, for a temporary retirement to Gorhambury,(*a*) where he was obliged to

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mind nevertheless will be still in prison till I may be on my feet to do his majesty and your lordship faithful service. Wherein your lordship, by the grace of God, shall find that my adversity hath neither spent nor pent my spirits. God prosper you. Your Lordship's most obliged friend and faithful servant, Fr. St. Alban.—June 4, 1621.

(*a*) To the Marquis of Buckingham.—My very good Lord, If it be conceived that it may be matter of inconvenience, or envy, my particular respects must give place; only in regard of my present urgent occasions, to take some present order for the debts that press me most. I have petitioned his majesty to give me leave to stay at London till the last of July, and then I will dispose of my abode according to the sentence. I have sent to the Prince to join with you in it, for though the matter seem small, yet it importeth me much. God prosper you.

June 20, 1621. Your Lordship's true servant, Fr. St. Alban.

My very good Lord,—I humbly thank your lordship for the grace and favour you did both to the message and messenger, in bringing Mr. Meautys to kiss his majesty's hands, and to receive his pleasure from himself. My riches in my adversity have been, that I have had a good master, a good friend, and a good servant.

I perceive by Mr. Meautys his majesty's inclination, that I should go first to Gorhambury; and his majesty's inclinations have ever been with me instead of directions. Wherefore I purpose, God willing, to go thither forthwith, humbly thanking his majesty, nevertheless, that he meant to have put my desire, in my petition contained, into a way, if I had insisted upon it; but I will accommodate my present occasions as I may, and leave the times and seasons and ways to his majesty's grace and choice. Only I desire his majesty to bear with me if I have pressed unseasonably. My letters out of the Tower were *de profundis;* and the world is a prison, if I may not approach his majesty, finding in my heart as I do. God preserve and prosper his majesty and your lordship.

Your Lordship's faithful and bounden servant, Fr. St. Alban.

June 22, 1621.

My very good Lord,—I thank God I am come very well to Gorhambury, whereof I thought your lordship would be glad to hear sometimes. My lord, I wish myself by you in this stirring world, not for any love to place or business, for that is almost gone with me, but for my love to yourself,

remain till the end of the year, but with such reluctance, that, with the hope of quieting the King's fears, he, at one time, intended to present a petition to the House of Lords to remit this part of his sentence. (*a*)

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which can never cease in your Lordship's most obliged friend and true servant, Fr. St. Alban.

Being now out of use, and out of sight, I recommend myself to your lordship's love and favour, to maintain me in his majesty's grace and good intention.

To Lord Digby.—I pray, my Lord, if occasion serve, give me your good word to the King for the release of my confinement, which is to me a very strait kind of imprisonment. Your Lordship's most affectionate

Gorhambury, this last of December, 1621. Fr. St. Alban.

(*a*) Petition of the Lord Viscount St. Alban, intended for the House of Lords.

My right honourable very good Lords,—In all humbleness acknowledging your lordships' justice, I do now, in like manner, crave and implore your grace and compassion. I am old, weak, ruined, in want, a very subject of pity. My only suit to your lordships is, to shew me your noble favour towards the release of my confinement (so every confinement is), and to me, I protest, worse than the Tower. There I could have had company, physicians, conference with my creditors and friends about my debts, and the necessities of my estate, helps for my studies, and the writings I have in hand. Here, I live upon the sword point of a sharp air endangered if I go abroad, dulled if I stay within, solitary and comfortless without company, banished from all opportunities to treat with any to do myself good, and to help out any wrecks; and that which is one of my greatest griefs, my wife, that hath been no partaker of my offending, must be partaker of this misery of my restraint.

May it please your lordships, therefore, since there is a time for justice, and a time for misery, to think with compassion upon that which I have already suffered, which is not little, and to recommend this my humble, and, as I hope, modest suit to his most excellent majesty, the fountain of grace, of whose mercy, for so much as concerns himself merely, I have already tasted, and likewise of his favour of this very kind, by some small temporary dispensations. Herein your lordships shall do a work of charity and nobility; you shall do me good; you shall do my creditors good; and it may be, you shall do posterity good, if out of the carcass of dead and rotten greatness, as out of Samson's lion, there may be honey gathered for the use of future times. God bless your persons and counsels.

Your Lordship's supplicant and servant, Fr. St. Alban.

In the month of July he wrote both to Buckingham and to the King letters in which may be seen his reliance upon them for pecuniary assistance, his consciousness of innocence, a gleam of hope that he should be restored to his honors, and occasionally allusions to the favours he had conferred. (*a*) To these applications he received the following answer from Buckingham:

(*a*) To the Marquis of Buckingham. — My very good Lord, I have written, as I thought it decent in me to do, to his majesty, the letter I send inclosed. I have great faith that your lordship, now nobly and like yourself, will effect with his majesty. In this the King is of himself, and it hath no relation to parliament. I have written also, as your lordship advised me, only touching that point of means. I have lived hitherto upon the scraps of my former fortunes; and I shall not be able to hold out longer. Therefore I hope your lordship will now, according to the loving promises and hopes given, settle my poor fortunes, or rather my being. I am much fallen in love with a private life; but yet I shall so spend my time, as shall not decay my abilities for use. God preserve and prosper your lordship.—Sept. 5, 1621.

To the King.—It may please your most excellent Majesty, I perceive, by my noble and constant friend, the marquis, that your majesty hath a gracious inclination towards me, and taketh care of me, for fifteen years the subject of your favour, now of your compassion, for which I most humbly thank your majesty. This same *nova creatura* is the work of God's pardon and the King's, and since I have the inward seal of the one, I hope well of the other.

Utar, saith Seneca to his master, *magnis exemplis; nec meæ fortunæ, sed tuæ*. Demosthenes was banished for bribery of the highest nature, yet was recalled with honour; Marcus Livius was condemned for exactions, yet afterwards made consul and censor. Seneca banished for divers corruptions, yet was afterwards restored, and an instrument of that memorable Quinquennium Neronis. Many more. This, if it please your majesty, I do not say for appetite of employment, but for hope that if I do by myself as is fit, your majesty will never suffer me to die in want or dishonour. I do now feed myself upon remembrance, how when your majesty used to go a progress, what loving and confident charges you were wont to give me touching your business. For, as Aristotle saith, young men may be happy by hope, so why should not old men, and sequestered men, by remembrance. God ever prosper and preserve your majesty. Your majesty's most bounden and devoted servant, FR. ST. ALBAN.

July 16, 1621.

To the Lord St. Alban.

My noble Lord,—The hearty affection I have borne to your person and service hath made me ambitious to be a messenger of good news to you, and an eschewer of ill; this hath been the true reason why I have been thus long in answering you, not any negligence in your discreet

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To the King.

It may please your majesty,—I have served your majesty now seventeen years; neither was I, in these seventeen years, ever chargeable to your majesty, but got my means in an honourable sweat of my labour, save that of late your majesty was graciously pleased to bestow upon me the pension of twelve hundred pounds for a few years. When I received the seal, I left both the Attorney's place, which was a gainful place, and the clerkship of the Star Chamber, which was Queen Elizabeth's favour, and was worth twelve hundred pounds by the year, which would have been a good commendam. The honours which your majesty hath done me have put me above the means to get my living, and the misery I am fallen into hath put me below the means to subsist as I am. I hope my courses shall be such, for this little end of my thread, which remaineth as your majesty, in doing me good, may do good to many, both that live now, and shall be born hereafter. I have been the keeper of your seal, and now am your beadsman. Let your own royal heart and my noble friend speak the rest. God preserve and prosper your majesty. Your Majesty's faithful poor servant and beadsman, FR. ST. ALBAN.

September 5, 1621.

Cardinal Wolsey said, that if he had pleased God as he pleased the King he had not been ruined. My conscience saith no such thing; for I know not but in serving you I have served God in one. But it may be, if I had pleased God as I had pleased you, it would have been better with me.

To the Marquis of Buckingham.

My very good Lord,—Your lordship will pardon me if, partly in the freedom of adversity, and partly of former friendship (the sparks whereof cannot but continue), I open myself to your lordship, and desire also your lordship to open yourself to me. That which most of all makes me doubt of a change or cooling in your lordship's affection towards me is, that being twice now at London, your lordship did not vouchsafe to see me, though by messages you gave me hope thereof, and the latter time I had begged it of your lordship. The cause of change may either be in myself or your lordship. I ought first to examine myself, which I have done; and God is my witness, I find all well, *and that I have approved myself to your*

modest servant you sent with your letter, nor his who now returns you this answer, ofttimes given me by your master and mine; who though by this may seem not to satisfy your desert and expectation, yet, take the word of a friend, who will never fail you, hath a tender care of you, full of a fresh memory of your by-past service. His majesty is but for the present, he says, able to yield unto the three years' advance, which if you please to accept, you are not hereafter the farther off from obtaining some better testimony of his favour, worthier both of him and you, though it can never be answerable to what my heart wishes you, as your Lordship's humble servant, G. BUCKINGHAM.

That he was promised some compensation for the loss of his professional emoluments seems probable not only from his letters to the King, and from the aid received, but from his having lived in splendour after his fall, although his certain annual income seems not to have exceeded £,2500. (*a*) With this income, he, with prudence, might, although greatly in debt, have enjoyed worldly comfort: but in prudence he was culpably negligent. (*b*)

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lordship a true friend, both in the watery trial of prosperity and in the fiery trial of adversity, &c.

My very good Lord,—*I hope his majesty may reap honour out of my adversity, as he hath done strength out of my prosperity.* His majesty knows best his own ways; and for me to despair of him were a sin not to be forgiven. I thank God I have overcome the bitterness of this cup by christian resolution; so that worldly matters are but mint and cummin. God ever preserve you.

(*a*) A pension from the crown of 1,200*l.*, his grant from the Alienation Office 600*l.* a year, his own estate 700*l.* This pension he kept to his death, as appears by his will, from which it seems that he thought himself in opulence.

(*b*) King James sent a buck to him, and he gave the keeper fifty pounds. Aubrey.

In the preface to a work entitled "The Cries of the Oppressed," published by M. Pitt, 1691, 12mo. there is the following gossiping statement:

Thinking that money was only the baggage of virtue, (*a*) that this interposition of earth eclipsed the clear sight of

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" It is to be feared that our nation has been, and still is as guilty of this sin of bribery, even in the reigns of the best of our kings, as ever the house of Israel was. In the days of that good prince Edward the Sixth, bribery was a reigning vice even at the court itself, witness that famous court preacher and afterwards martyr, Father Latimer, in his sermons before that young prince and his nobles. This sin of bribery doth not only reign in King's palaces, but like the leprosy, spreads itself in all the courts of equity and justice, even to the meanest in office. When I was a boy I heard this following story of that great and learned man, the Lord Bacon, who was Lord Chancellor in King James the First's reign. I would speak tenderly of him, because he was one of the learnedest men of his age; I will tell the natural story, and leave the reader to his own thoughts. Much at the time he was put out of the chancellorship, he happened to come into his hall where his gentlemen were at dinner. As soon as they see my lord, they all rose up, but his lordship calls to them to sit still. For, saith he, your rise has been my fall. But the story I am at is this: about the year 1655 some gentlemen meeting in my master's shop (a bookseller), and talking of learning and learned men, they mentioned my Lord Bacon to be one of the learnedest men of the world in the age he lived in; but one of the gentlemen, who by his gray head could not be less than seventy years of age, replied, he did agree with them in their opinion of my Lord Bacon, but my lord had a fault, whatever it was he could not tell; but, saith he, I myself have some business with his lordship: I went to him to his country house, which was near St. Albans, twenty miles from London, where I was admitted into his study, where was no person but his lordship and myself; and whilst I was talking with him about my business, his lordship had occasion to withdraw out of his study, and left me there alone. Whilst his lordship was gone there came into the study one of his lordship's gentlemen, and opens my lord's chest of drawers, wherein his money was, and takes it out in handfuls and fills both his pockets, and goes away without saying one word to me; he was no sooner gone, but comes a second gentleman, opens the same drawers, fills both his pockets with money, and goes away as the former did, without speaking one word to me; at which I was surprised, and much concerned, and was resolved to acquaint my lord with it. As soon as my lord returned into his study, I told him, my lord, here was a very odd passage happened, since your lordship went. Upon which he asked me what it was: I told the passage as here related. He shook his head, and all that he said was, Sir, I cannot help myself."

(*a*) In his Essay on Riches, vol. i. 119, he says, " I cannot call riches better than the baggage of virtue; the Roman word is better, 'impedimenta;'

the mind, he lived, not as a philosopher ought to have lived, but as a nobleman had been accustomed to live. It is related that the Prince, coming to London, saw at a distance a coach followed by a considerable number of people on horseback, and, upon inquiry, was told it was the Lord St. Albans attended by his friends; on which his highness said with a smile, "Well, do what we can, this man scorns to go out like a snuff." (*a*)

Unmindful that the want of prudence can never be supplied, he was exposed, in the decline of life, not only to frequent vexation, and his thoughts to continual interruption, but was frequently compelled to stoop to degrading solicitations, (*b*) and was obliged to incumber Gorhambury and sell York House, dear to him from so many associations, the seat of his ancestors, the scene of his former splendour. These worldly troubles seem, however, not to have affected his cheerfulness, and never to have diverted him from the great object of his life, the acquisition and advancement of knowledge. When an application was made to him to sell one of the beautiful woods of Gorhambury, he answered, "No, I will not be stripped of my feathers." (*c*)

Release of fine.

In September the King signed a warrant for the release of the parliamentary fine, and to prevent the immediate

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for as the baggage is to an army, so is riches to virtue: it cannot be spared nor left behind, but it hindereth the march; yea, and the care of it sometimes loseth or disturbeth the victory."

(*a*) Aul. Coq. Qy.

(*b*) To Sir Robert Pye.

Good Sir Robert Pye,—Let me intreat you to despatch that warrant of a petty sum, that it may help to bear my charge of coming up to London. The duke, you know, loveth me, and my Lord Treasurer standeth now towards me in very good affection and respect. You, that are the third person in these businesses, I assure myself, will not be wanting; for you have professed and showed, ever since I lost the seal, your good will towards me. I rest your affectionate and assured friend, &c.

(*c*) Aubrey.

importunities of his creditors, assigned it to Mr. Justice Hutton, Mr. Justice Chamberlain, Sir Francis Barnham, and Sir Thomas Crew, whom Bacon in his will directed to apply the funds, for the payment and satisfaction of his debts and legacies, having a charitable care that the poorest creditors or legatees should be first satisfied. (*a*)

This intended kindness of the King the Lord Keeper Williams misunderstood and endeavoured to impede by staying the pardon at the seal, (*b*) until he was commanded

(*a*) The following is the extract from the will: "Whereas of late my fine, and the whole benefit thereof, was by his majesty's letters patent conveyed to Mr. Justice Hutton, Mr. Justice Chamberlain, Sir Francis Barneham and Sir Thomas Crewe, knight, persons by me named in trust; I do devise by this my will, and declare, that the trust by me reposed, as well touching the said lands as upon the said letters patents, is, that all and every the said persons so trusted, shall perform all acts and assurances that by my executors, or the survivor or survivors of them shall be thought fit and required, for the payment and satisfaction of my debts and legacies, and performance of my will, having a charitable care that the poorest either of my creditors or legataries be first satisfied."

(*b*) Dr. Williams, Bishop of Lincoln elect, and Lord Keeper of the Great Seal, to the Viscount St. Alban.

My very good Lord,—Having perused a privy seal, containing a pardon for your lordship, and thought seriously thereupon, I find that the passing of the same (the assembly in parliament so near approaching) cannot but be much prejudicial to the service of the King, to the honour of my lord of Buckingham, to that commiseration, which otherwise would be had of your lordship's present estate, and especially to my judgment and fidelity. I have ever affectionately loved your lordship's many and most excelling good parts and endowments; nor had ever cause to disaffect your lordship's person. So as no respect in the world, beside the former considerations, could have drawn me to add the least affliction or discontentment unto your lordship's present fortune. May it therefore please your lordship to suspend the passing of this pardon until the next assembly be over and dissolved, and I will be then as ready to seal it as your lordship to accept of it; and, in the mean time, undertake that the King and my Lord Admiral shall interpret this short delay as a service and respect issuing wholly from your lordship, and rest, in all other offices whatsoever,

Your Lordship's faithful servant, Jo. Lincoln, elect. Custos Sigilli.

Westminster College, Oct. 18, 1621.

by Buckingham to obey the King's order. In October the pardon was sealed. (*a*)

The Lord Keeper to the Duke.

My most noble Lord,—I humbly thank your Lordship for your most sweet and loving letter, &c. I humbly beseech your lordship to meddle with no pardon for the Lord of St. Albans, until I shall have the happiness to confer with your lordship; the pardoning of his fine is much spoken against, not for the matter (for no man objects to that) but for the manner, which is full of knavery, and a wicked precedent. For by this assignation of his fine, he is protected from all his creditors, which, I dare say, was neither his majesty's nor your lordship's meaning. Let all our greatness depend, as it ought, upon yours, the true original. Let the King be Pharaoh, yourself Joseph, and let us come after you as your half brethren. God bless you, &c.

To the Lord Keeper.

My very good Lord,—I know the reasons must appear to your lordship many and weighty which should move you to stop the King's grace, or to dissuade it; and somewhat the more in respect of my person being, I hope, no unfit subject for noble dealing. I send Mr. Meautys to your lordship, that I might reap so much your fruit of your lordship's professed good affection, as to know in some more particular fashion what it is that your lordship doubteth or disliketh, that I may the better endeavour your satisfaction or acquiescence, if there be cause. So I rest,

Oct. 18, 1621. Your Lordship's to do you service, Fr. St. Alban.

To the Marquis of Buckingham.

My very good Lord,—An unexpected accident maketh me hasten this letter to your lordship, before I could dispatch Mr. Meautys; it is that my Lord Keeper hath staid my pardon at the seal. I ever rest your Lordship's most obliged friend and faithful servant, Fr. St. Alban.

Oct. 18, 1621.

(*a*) The Lord Keeper to the Duke, concerning the Lord of St. Alban.

My most noble Lord,—I have received your lordship's expression concerning the pause I made upon the patent for my Lord of St. Alban's pardon. The latter I have not yet sealed, but do represent, in all lowliness and humility, these few considerations by your lordship to his sacred majesty, wherein let your lordship make no question but I have advised with the best lawyers in the kingdom; and after this representation I will perform whatsoever your lordship shall direct.

1. His majesty and your lordship do conceive that my Lord of St. Alban's pardon and grant of his fine came both together to my hands, and so your lordship directs me to pass the one and the other. But his lordship was

He had scarcely retired to Gorhambury, in the summer of 1621, when he commenced his history of Henry the Seventh. Henry 7.

too cunning for me. He passed his fine (whereby he hath deceived his creditors) ten days before he presented his pardon to the seal. So as now, in his pardon, I find his parliament fine excepted, which he hath before the sealing of the same obtained and procured. And whether the house of parliament will not hold themselves mocked and derided with such an exception, I leave to your lordship's wisdom. These two grants are opposite and contradictory, in this point, the one to the other.

After 2 and 3, he thus proceeds:

4. I will not meddle or touch upon those mistakings which may fall between the parliament and his majesty, or the misinterpretation that enemies may make hereof to your lordship's prejudice, because I see, in his majesty's great wisdom, these are not regarded. Only I could have wished the pardon had been referred to the council-board, and so passed. I have now discharged myself of those poor scruples, which, in respect only to his majesty's service and your lordship's honour, have wrought this short stay of my Lord of St. Alban's pardon. Whatsoever your lordship shall now direct, I will most readily (craving pardon for this not undutiful boldness) put in execution. Because some speech may fall of this day's speech, which I had occasion to make in the Common Pleas, where a bishop was never seen sitting there these seventy years, I have presumed to inclose a copy thereof because it was a very short one.

Your lordship shall not need to take that great pains, which your lordship, to my inexpressible comfort, hath so often done in writing. What command soever your lordship shall impose upon me, as touching this pardon, your lordship's expression to Mr. Packer, or the bearer shall deliver it sufficiently. God from heaven continue the showering and heaping of his blessings upon your lordship, &c.—Oct. 27, 1621.

To the Lord St. Alban.

My honourable Lord,—I have delivered your lordship's letter of thanks to his majesty, who accepted it very graciously, and will be glad to see your book, which you promised to send very shortly, as soon as it cometh. I send your lordship his majesty's warrant for your pardon, as you desired it; but am sorry that, in the current of my service to your lordship, there should be the least stop of any thing. Your lordship's faithful servant,

October, 1621. G. Buckingham.

Grant of pardon to the Viscount St. Alban, under the privy seal.

A special pardon granted unto Francis, Viscount St. Alban, for all felonies done and committed against the common laws and statutes of this

During the progress of the work considerable expectation of his history was excited: (*a*) in the composition of which he seems to have laboured with much anxiety, and to have submitted his manuscript to the correction of various classes of society; to the King, (*b*) to scholars, and to the

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realm; and for all offences of præmunire; and for all misprisions, riots, &c. with a restitution of all his lands and goods forfeited by reason of any the premises; except out of the same pardon all treasons, murders, rapes, incest; and except also all fines, imprisonments, penalties, and forfeitures adjudged against the said Viscount St. Alban by a sentence lately made in the parliament. Teste Rege apud Westm. 17 die Octob. anno Regni suo 19. Per lettre de privato sigillo.

(*a*) Dr. Rawley, in his life of Bacon, says, "His fame is greater, and sounds louder in foreign parts abroad than at home, in his own nation; thereby verifying that divine sentence, a prophet is not without honour, save in his own country and in his own house. Concerning which I will give you a taste only, out of a letter written from Italy (the storehouse of divine wits), to the late Earl of Devonshire, then the Lord Cavendish. I will expect the new Essays of my Lord Chancellor Bacon, as also his history, with a great deal of desire; and whatsoever else, he shall compose. But in particular, of his history, I promise myself, a thing perfect, and singular; especially in Henry the Seventh, where he may exercise the talent of his divine understanding."

(*b*) It appears by a letter from his faithful friend, Sir Thomas Meautys, that the King did correct the manuscript. The letter is dated January 7, 1621-2, and directed to the Lord Viscount St. Alban. It contains the following passage: "Mr. Murray tells me, the King hath given your book to my Lord Brooke, and enjoined him to read it, recommending it much to him, and then my Lord Brooke is to return it to your lordship; and so it may go to the press when your lordship pleases, with such amendments as the King hath made, which I have seen and are very few, and those rather words, as epidemic, and mild instead of debonnaire, &c. Only that of persons attainted, enabled to serve in parliament by a bare reversal of their attainder, the King by all means will have left out. I met with my Lord Brooke, and told him that Mr. Murray had directed me to wait upon him for the book when he had done with it. He desired to be spared this week, as being to him a week of much business, and the next week I should have it; and he ended in a compliment, that care should be taken, by all means, for good ink and paper to print it in, for that the book deserveth it. I beg leave to kiss your lordship's hands."

uninformed. Upon his desiring Sir John Danvers to give his opinion of the work, Sir John said, "Your lordship knows that I am no scholar. 'Tis no matter, said my lord, I know what a scholar can say; I would know what you can say. Sir John read it, and gave his opinion what he misliked, which my lord acknowledged to be true, and mended it. Why, said he, a scholar would never have told me this;"(*a*) but, notwithstanding this labour and anxiety, the public expectation was not realized.

If, however, in the history of Henry the Seventh, it is vain to look for the vigour or beauty with which the Advancement of Learning abounds: if the intricacies of a court are neither discovered nor illustrated with the same happiness as the intricacies of philosophy: if in a work written when the author was more than sixty years of age, and if, after the vexations and labours of a professional and political life, the varieties and sprightliness of youthful imagination are not to be found, yet the peculiar properties of his mind may easily be traced, and the stateliness of the edifice be seen in the magnificence of the ruins.

His vigilance in recording every fact tending to alleviate misery, or to promote happiness, is noticed by Bishop Sprat, in his history of the Royal Society, where he says, "I shall instance in the sweating sickness. The medicine for it was almost infallible: but, before that could be generally published, it had almost dispeopled whole towns. If the same disease should have returned, it might have been again as destructive, had not the Lord Bacon taken care to set down the particular course of physic for it in his history of Henry the Seventh, and so put it beyond the possibility of any private man's invading it."(*b*) Facts.

(*a*) Aubrey.

(*b*) Whether it is not the same, or of the same nature, as the cholera which has lately appeared and now exists in England.—See vol. iii. p. 113.

Greatness of states.

One of his maxims of government for the enlargement of the bounds of the empire is to be found in his comment upon the ordinance, stated in the treatise "De Augmentis," "Let states and kingdoms that aim at greatness by all means take heed how the nobility, and grandees, and those which we call gentlemen, multiply too fast; for that makes the common subject grow to be a peasant and base swain driven out of heart, and in effect nothing else but the nobleman's bond-slaves and labourers. Even as you may see in coppice-wood, if you leave your studdles too thick, you shall never have clean underwood, but shrubs and bushes: so in a country, if the nobility be too many, the commons will be base and heartless, and you will bring it to that, that not the hundredth poll will be fit for an helmet, especially as to the infantry, which is the nerve of an army; and so there will be great population, and little strength."

Familiar illustration.

His love of familiar illustration is to be found in various parts of the history: as when speaking of the commotion by the Cornish men, on behalf of the impostor Perkin Warbeck, "The King judged it his best and surest way to keep his strength together in the seat and centre of his kingdom; according to the ancient Indian emblem, in such a swelling season, to hold the hand upon the middle of the bladder, that no side might rise."

His piety.

And his kind nature and holy feeling appear in his account of the conquest of Granada. "Somewhat about this time came letters from Ferdinando and Isabella, King and Queen of Spain, signifying the final conquest of Granada from the Moors; but the king would not by any means in person enter the city until he had first aloof seen the cross set up upon the great tower of Granada, whereby it became christian ground; and, before he would enter, he did homage to God above, pronouncing by an herald

from the height of that tower, that he did acknowledge to have recovered that kingdom by the help of the Almighty; nor would he stir from his camp till he had seen a little army of martyrs, to the number of seven hundred and more Christians, that had lived in bonds and servitude, as slaves to the Moors, pass before his eyes, singing a psalm for their redemption."

The work was published in folio, in 1622: (*a*) and is dedicated to Prince Charles. Copies were presented to the King, (*b*) to Buckingham, (*c*) to the Queen of Bohemia, (*d*) Presentation copies.

(*a*) The Historie of the Raigne of King Henry the Seventh, written by the Right Honourable Francis Lord Verulam, Viscount St. Alban. London, printed by W. Stransby, for Matthew Lownes and William Barret, 1622.

(*b*) See letter to the King from Gorhambury, dated 20th March, 1621-2, vol. iii. p. xiii. pref. In this letter there is the following passage: "These your majesty's great benefits, in casting your bread upon the waters, as the scripture saith, because my thanks cannot any ways be sufficient to attain, I have raised your progenitor, of famous memory (and now, I hope, of more famous memory than before), King Henry VII. to give your majesty thanks for me; which work, most humbly kissing your majesty's hands, I I do present."

(*c*) Letter of March 20, 1621-2. vol. iii. p. xiii. preface.

(*d*) It may please your Majesty,—I find in books, and books I dare allege to your majesty, in regard of your singular ability to read and judge of them even above your sex, that it is accounted a great bliss for a man to have leisure with honour. That was never my fortune, nor is. For time was, I had honour without leisure; and now I have leisure without honour. And I cannot say so neither altogether, considering there remain with me the marks and stamp of the King, your father's, grace, though I go not for so much in value as I have done. But my desire is now to have leisure without loitering, and not to become an abbey-lubber, as the old proverb was, but to yield some fruit of my private life. Having therefore written the reign of your majesty's famous ancestor, King Henry the Seventh, and it having passed the file of his majesty's judgment, and been graciously also accepted of the prince your brother, to whom it is dedicated, I could not forget my duty so far to your excellent majesty, to whom, for that I know and have heard, I have been at all times so much bound, as you are ever present with me, both in affection and admiration, as not to make unto

and to the Lord Keeper. (*a*)

It had scarcely been published when he felt and expressed anxiety that it should be translated into Latin, "as these modern languages will, at one time or other, play the bankrupts with books; and, since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity:" (*b*) a wish which was more than gratified, as it was published, not only in various editions, in England, but was soon translated into French and into Latin. (*c*)

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you, in all humbleness, a present thereof, as now being not able to give you tribute of any service. If King Henry the Seventh were alive again, I hope verily he could not be so angry with me for not flattering him, as well pleased in seeing himself so truly described in colours that will last and be believed. I most humbly pray your majesty graciously to accept of my good will; and so, with all reverence, kiss your hands, praying to God above, by his divine and most benign providence, to conduct your affairs to happy issue; and resting your majesty's most humble and devoted servant,

April 20, 1622. FR. ST. ALBAN.

(*a*) To the Lord Viscount St. Alban.

My very good Lord,—I heartily thank your lordship for your book, and all other symbols of your love and affection, which I will endeavour, upon all opportunities, to deserve; and, in the mean time, do rest your lordship's assured faithful poor friend and servant, JO. LINCOLN, C.S.

Westminster College, this 7th of February, 1622.

To the Right Honourable his very good Lord,
the Lord Viscount St. Alban.

(*b*) Letter to Toby Matthew.

(*c*) In 1627 it was published in French, 8vo. Paris, par Holman, of which there is a copy in the British Museum. In 1629 there was a new edition in English. In 1638 an edition in Latin was published by Dr. Rawley, completed, as it seems, during the life of Bacon—See Rawley's life. And the press has since abounded with editions, in 1641, in 1647, and in 1662; and in the British Museum there is a MS. (Sloane's collection, 84,) entitled, Notes taken out of his history of the reign of Henry the Seventh; and another MS. Harleian, vol. 2, of Catalogue 300, entitled, Notes of Henry the Seventh's reign, set down in MS. by the Lord Chancellor Bacon.

Such was the nature of his literary occupations in the first year after his retirement, during which he corresponded with different learned foreigners upon his works; (*a*) and great zeal having been shewn for his majesty's service, he composed a treatise entitled, "An Advertisement touching a Holy War," which he inscribed to the Bishop of Winchester. (*b*)

In the beginning of this year a vacancy occurred in the Provostship of Eton College, where, in earlier years, he had passed some days with Sir Henry Savile, pleasant to himself and profitable to society. (*c*) His love of knowledge again manifested itself. A. D. 1623. Æt. 63. Eton.

Having, in the spirit of his father, unfortunately engaged, in his youth, in active life, he now, in the spirit of his grandfather, the learned and contemplative Sir Anthony Cooke, who took more pleasure to breed up statesmen than to be one, offered himself to succeed the provost: as a fit occupation for him in the spent hour-glass of his life, and a retreat near London to a place of study. (*d*)

The objection which would, of course, be made from what we, in our importance, look down upon as beneath his dignity, he had many years before anticipated in the Advancement of Learning, when investigating the objections to learning from the errors of learned men, from—their fortunes; their manners; and the meanness of their employments: upon which he says, "As for meanness of employment, that which is most traduced to contempt, is, that the government of youth is commonly allotted to them; which age, because it is the age of least au-

(*a*) See his letter to Father Baranzan, vol. xiii. p. 68.

(*b*) See vol. vii. p. 112.

(*c*) Ante p. cx.

(*d*) See letter to Conway, vol. xii. p. 440, and vol. xii. p. 442, and to the King, vol. xii. p. 440.

thority, it is transferred to the disesteeming of those employments wherein youth is conversant, and which are conversant about youth. But how unjust this traducement is, if you will reduce things from popularity of opinion to measure of reason, may appear in that, we see men are more curious what they put into a new vessel, than into a vessel seasoned; and what mould they lay about a young plant, than about a plant corroborate; so as the weakest terms and times of all things used to have the best applications and helps; and, therefore, the ancient wisdom of the best times did always make a just complaint, that states were too busy with their laws, and too negligent in point of education: which excellent part of ancient discipline hath been in some sort revived of late times, by the colleges of the Jesuits; of whom, although in regard of their superstition I may say, *quo meliores, eo deteriores;* yet in regard of this, and some other points concerning human learning and moral matters, I may say, as Agesilaus said to his enemy Pharnabasus, *Talis quum sis, utinam noster esses.*" (*a*)

His application was not successful; the King answered that it had been designed for Sir William Beecher, but that there was some hope that, by satisfying him elsewhere, his majesty might be able to comply with the request. Sir William was satisfied by the promise of £2500, but the provostship was given to Sir Henry Wotton,(*b*) "who had for many years, like Sisiphus, rolled the restless stone of a state employment; knowing experimentally that the great blessing of sweet content was not to be found in multitudes of men or business: and, that a college was the fittest place to nourish holy thoughts, and to afford

(*a*) Advancement of Learning, vol. ii. p. 26.
(*b*) Wotton's Remains.

rest both to his body and mind, which he much required from his age, being now almost threescore years, and from his urgent pecuniary wants; for he had always been as careless of money, as though our Saviour's words, 'Care not for to-morrow,' were to be literally understood." He, therefore, upon condition of releasing a grant, which he possessed, of the mastership of the Rolls, was appointed provost. (*a*)

At this disappointment Bacon could not be much affected. One day, as he was dictating to Dr. Rawley some of the experiments in his Sylva, he had sent a friend to court, to receive for him a final answer, touching the effect of a grant which had been made him by King James. He had hitherto only hope of it, and hope deferred; and he was desirous to know the event of the matter, and to be freed, one way or other, from the suspense of his thoughts. His friend returning, told him plainly that he must thenceforth

(*a*) The following is from the Life of Wotton, "To London he came the year before King James died; who having for the reward of his foreign service promised him the reversion of an office which was fit to be turned into present money, which he wanted for a supply of his present necessities, and also granted him the reversion of the Master of the Rolls place, if he outlived charitable Sir Julius Cæsar, who then possessed it: and then, grown so old, that he was said to be kept alive beyond nature's course, by the prayers of those many poor which he daily relieved. But these were but in hope; and his condition required a present support: for in the beginning of these employments he sold to his elder brother, the Lord Wotton, the rent-charge left by his good father, and, which is worse, was now at his return indebted to several persons, whom he was not able to satisfy, but by the King's payment of his arrears due for his foreign employments, he had brought into England many servants, of which some were German and Italian artists. This was part of his condition who had many times hardly sufficient to supply the occasions of the day: (for it may by no means be said of his providence, as himself said of Sir Philip Sidney's wit, that it was the very measure of congruity) he being always so careless of money, as though our Saviour's words, 'Care not for to-morrow,' were to be literally understood."

despair of that grant, how much soever his fortunes needed it. "Be it so," said his lordship; and then he dismissed his friend very cheerfully, with thankful acknowledgements of his service. His friend being gone, he came straightway to Dr. Rawley, and said thus to him, "Well, Sir, yon business won't go on, let us go on with this, for this is in our power:" and then he dictated to him afresh, for some hours, without the least hesitancie of speech, or discernible interruption of thought. (*a*)

He proceeded with his literary labours, and, during this year, published in Latin his celebrated treatise "De Augmentis Scientiarum" (*b*) and his important "Historia Vitæ et Mortis." (*c*)

De Augmentis.

Between the year 1605, when the Advancement was published, (*d*) and the year 1623, he made great progress in the completion of the work, which, having divided into nine books, and subdivided each book into chapters, he caused to be translated into Latin by Mr. Herbert, and some other friends, and published in Latin in 1623, (*e*) in a

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(*a*) Baconiana.

(*b*) See vols. viii. and ix.

(*c*) See vol. x. for Latin, and vol. xiv. for English.

(*d*) See vol. ii.

(*e*) In the year 1622 Lord Bacon wrote an Advertisement touching an Holy War, to the Bishop of Winchester (see vol. vii. p. 112), in which he thus mentions the treatise "De Augmentis:" "That my book of Advancement of Learning may be some preparative or key for the better opening of the Instauration, because it exhibits a mixture of new conceits and old; whereas the Instauration gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake; I have thought good to procure a translation of that book into the general language, not without great and ample additions and enrichment thereof, especially in the second book, which handleth the partition of sciences; in such sort, as I hold it may serve in lieu of the first part of the Instauration, and acquit my promise in that part."

In his letter to Fulgentio (vol. xii. p. cciii.), he says, "I judged it most

volume entitled De Dignitate et Augmentis Scientiarum.

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convenient to have them translated in the Latin tongue, and to divide them into certain tomes. The first tome consisteth of the books of the Advancement of Learning, which (as you understand) are already finished, and published, and contain the Partition of Sciences, which is the first part of my Instauration."

In the Bacouiana, Tenison says, "The Great Instauration was to consist of six parts. The first part proposed was, the Partitions of the Sciences; and this the author perfected in that golden treatise of the Advancement of Learning, addressed to King James. Afterwards he enlargeth the second of those two discourses, which contained especially the abovesaid partition, and divided the matter of it into eight books. And knowing that this work was desired beyond the seas, and being also aware that books written in a modern language, which receiveth much change in a few years, were out of use, he caused that part of it which he had written in English to be translated into the Latin tongue by Mr. Herbert and some others, who were esteemed masters in the Roman eloquence."

In his letter to the King, upon sending his presentation copy, which is in the British Museum, he says, "It may please your most excellent Majesty,—I send, in all humbleness, to your majesty the poor fruits of my leisure. This book was the first thing that ever I presented to your majesty, and it may be will be the last. For I had thought it should have *posthuma proles*, but God hath otherwise disposed for a while. It is a translation, but almost enlarged to a new work. I had good helps for the language. I have been also mine own *index expurgatorius*, that it may be read in all places. For since my end of putting it into Latin was to have it read every where, it had been an absurd contradiction to free it in the language, and to pen it up in the matter. Your majesty will vouchsafe graciously to receive these poor sacrifices of him that shall ever desire to do you honour while he breathes, and fulfilleth the rest in prayers. Your Majesty's true beadsman and most humble servant," &c.

And in his presentation letter to the Prince, he says, "It may please your excellent Highness.—I send your highness, in all humbleness, my book of Advancement of Learning, translated into Latin, but so enlarged, as it may go for a new work. It is a book, I think, will live and be a citizen of the world, as English books are not."

And in his presentation copy to the Duke of Buckingham, he says,— "Excellent Lord, I send your grace for a *parabien* a book of mine, written first and dedicated to his majesty in English, and now translated into Latin, and enriched."

The following address will, perhaps, best explain the work:

This treatise De Augmentis is an improvement by expunging, (*d*) enlarging, (*e*) and arranging, (*f*) of the Advancement of Learning.

Gulielmus Rawley Sacræ Theologiæ Professor, Illustrissimi Domini D. Francisci Baronis de Verulamio, Vice Comitis Sancti Albani, Sacellanus.

Lectoris. Cum Domino meo placuerit, eo me dignari honore, ut in edendis operibus suis, opera mea usus sit: non abs re fore existimavi, si lectorem de aliquibus, quæ ad hunc præsentem tomum pertinent, breviter moneam. Tractatum istum, de Dignitate et Augmentis Scientiarum, ante annos octodecim, edidit dominatio sua, lingua patria, in duos tantummodo libros distributum; et regiæ suæ majestati dicavit, quod et nunc facit. Non ita pridem animum adjecit, ut in Latinam linguam verteretur. Inaudierat siquidem illud apud exteros expeti. Quinetiam solebat subinde dicere libros modernis linguis conscriptos, non ita multo post decocturos. Ejus igitur translationem, ab insignioribus quibusdam eloquentia viris elaboratam, propria quoque recensione castigatam, jam emittit. Ac liber primus certe, quasi mera translatio est, in paucis admodum mutatus: at reliqui octo, qui Partitiones Scientiarum tradunt, atque unico ante libro continebantur, ut novum opus, et nunc primum editum, prodit. Caussa autem præcipua, quæ dominationem suam movit, ut opus hoc retractaret, et in plurimis amplificaret, ea fuit; quod in Instauratione Magna (quam diu postea edidit) Partitiones Scientiarum, pro prima Instaurationis parte constituit: quam sequeretur Novum Organum; dein Historia Naturalis; et sic deinceps. Cum igitur reperiret partem eam de Partitionibus Scientiarum jam pridem elaboratam (licet minus solide quam argumenti dignitas postularet), optimum fore putavit, si retractaretur, et redigeretur in opus justum et completum. Atque hoc pacto, fidem suam liberari intelligit, de prima parte Instaurationis præstitam. Quantum ad opus ipsum, non est tenuitatis meæ, de eo aliquid præfari. Præconium ei, quod optime conveniat, existimo futurum illud, quod Demosthenes interdum dicere solebat de rebus gestis Atheniensium veterum; laudatorem iis dignum esse solummodo tempus. Deum Opt: Max: obnixe precor, ut pro dignitate operis fructus uberes, diuturnique, et auctori, et lectori, contingant.

(*d*) The Advancement of Learning contains the beautiful passage in praise of Elizabeth, which is in the end of the first part of this work. See page xcv. This and another passage in praise of Elizabeth is omitted. See note 4 H at the end of this work.

(*e*) Various parts are enlarged: see, for instance, the analysis of Natural History, and Justitia Universalis.

(*f*) The Advancement is divided into two books, without any sub-

In the first part there are scarcely any alterations, except the omission of his beautiful praise of Elizabeth, not, perhaps, very acceptable to her successor (*a*) The material alterations are in the analysis of Natural History and Natural Philosophy; in his expansion of a small portion of the science of "Justitia Universalis;" in that part of human philosophy under the head of Government, which relates to man as a member of society; and in his arrangement of the important subject of revealed religion. (*b*)

In the annexed outline of the work the parts marked in italics will exhibit the material alterations:

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division into chapters: the De Augmentis is divided into nine books, and each book is subdivided into chapters.

(*a*) See note (*d*), preceding page.

(*b*) The treatise "De Augmentis," being more extensive, abounds with passages that are not contained in "The Advancement." I will take one specimen from each subject into which the work is divided, viz. from History, relating to the Memory; Poetry, relating to the Imagination; and Philosophy, relating to the Understanding.

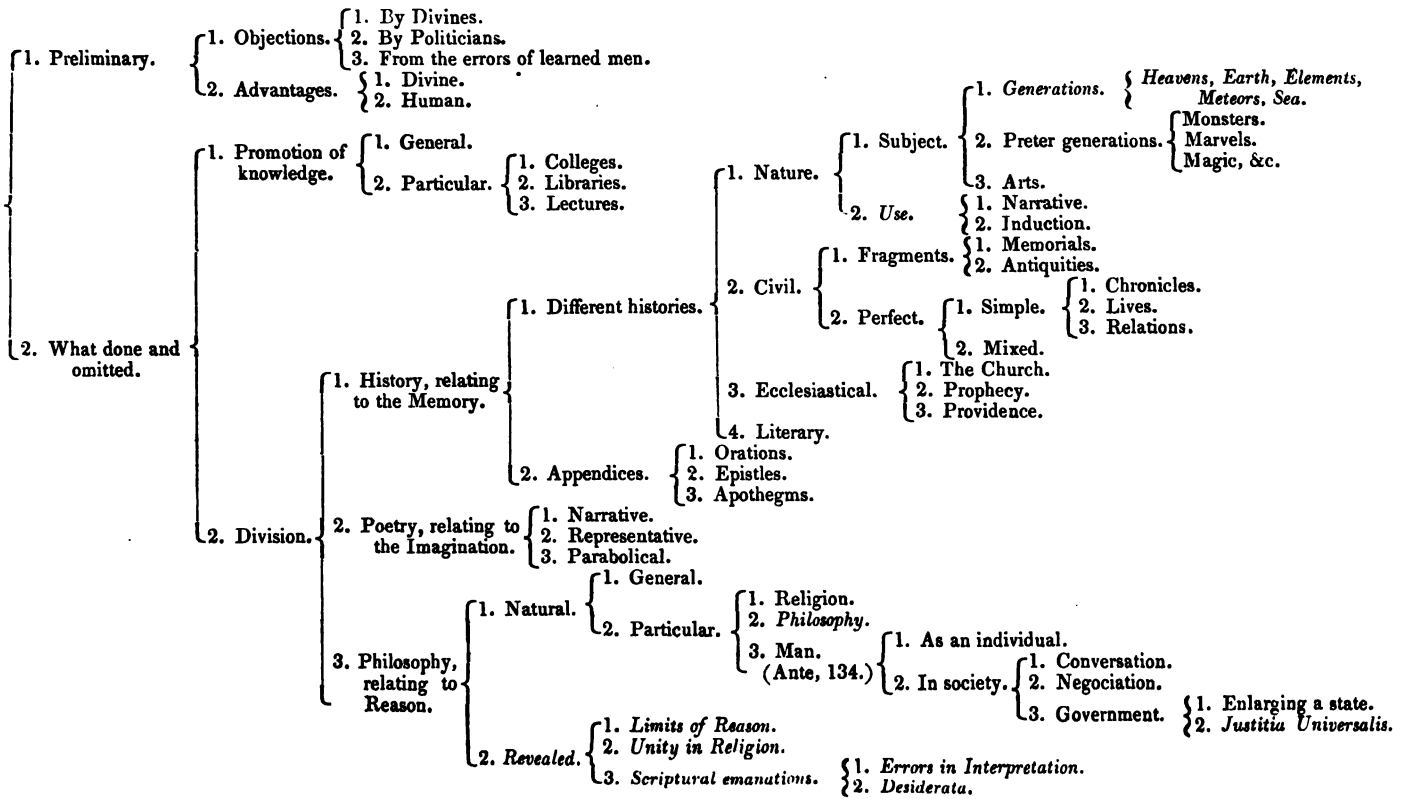
In the treatise De Augmentis, Natural History is divided—

- 1. As to the subject.
  - 1. Of Nature in course.
  - 2. Of Nature erring.
  - 3. Of Arts.
- 2. *As to the use.*
  - 1. *Narrative.*
  - 2. *Inductive.*

But the division, *as to the use*, &c. is not contained in the Advancement.

Under Poetry, the fable of Pan, of Perseus, &c. which are not in the Advancement will be found in the treatise De Augmentis. Under Philosophy, speaking on the advancement of universal justice, or the laws of laws, he says, "I propose, if God give me leave, having begun a work of this nature in aphorisms, to propound it hereafter, noting it in the mean time for deficient." In the treatise De Augmentis considerable progress is made in this projected work, in forty-seven distinct axioms.

In Archbishop Tenison's Baconiana, the progress of this work, and the difference between the De Augmentis and the Advancement is explained.


1. Preliminary.
1. Objections.
1. By Divines.
2. By Politicians.
3. From the errors of learned men.
2. Advantages.
1. Divine.
2. Human.
2. What done and omitted.
1. Promotion of knowledge.
1. General.
2. Particular.
1. Colleges.
2. Libraries.
3. Lectures.
2. Division.
1. History, relating to the Memory.
1. Different histories.
1. Nature.
1. Subject.
1. Generations.
Heavens, Earth, Elements, Meteors, Sea.
2. Preter generations.
Monsters.
Marvels.
Magic, &c.
3. Arts.
2. Use.
1. Narrative.
2. Induction.
2. Civil.
1. Fragments.
1. Memorials.
2. Antiquities.
2. Perfect.
1. Simple.
1. Chronicles.
2. Lives.
3. Relations.
2. Mixed.
3. Ecclesiastical.
1. The Church.
2. Prophecy.
3. Providence.
4. Literary.
2. Appendices.
1. Orations.
2. Epistles.
3. Apothegms.
2. Poetry, relating to the Imagination.
1. Narrative.
2. Representative.
3. Parabolical.
3. Philosophy, relating to Reason.
1. Natural.
1. General.
2. Particular.
1. Religion.
2. Philosophy.
3. Man. (Ante, 134.)
1. As an individual.
2. In society.
1. Conversation.
2. Negociation.
3. Government.
1. Enlarging a state.
2. Justitia Universalis.
2. Revealed.
1. Limits of Reason.
2. Unity in Religion.
3. Scriptural emanations.
1. Errors in Interpretation.
2. Desiderata.

Of this extraordinary work various editions and translations have been since published. (*b*)

(*b*) Different editions of the treatise De Augmentis.

1. The first edition is thus described by Tenison: "The fairest and most correct edition of this book in Latin is that in folio, printed at London, 1623; and whoever would understand the Lord Bacon's cypher, let him consult that accurate edition: for, in some other editions which I have perused, the form of the letters of the alphahet, in which much of the mystery consisteth, is not observed, but the roman and italic shapes of them are confounded." The following is a copy of the title page: "Francisci Baconi Baronis de Vervlamio, Vice-Comitis Sancti Albani, de Dignitate et Augmentis Scientiarum. Libri IX. Ad Regem svvm. Londini, in Officina Joannis Haviland, MDCXXIII." There is a copy at Cambridge and in the British Museum, and I have a copy.

2. The work had scarcely appeared in England, when an edition was published in France: it appeared in 1624. The following is a copy of the title page: "Francisci Baronis de Vervlamio Vicecomitis Sancti Albani, de Dignitate et Augmentis Scienciarum. Libri IX. Ad Regem svvm. Iuxta exemplar Londini impressum. Parisiis, typis Petri Metayer, typographi Regij. M.DC XXIV." I have a copy.

3. In 1638 an edition was published by Dr. Rawley, in a folio entitled, "Francisci Baconi Baronis de Vervlamio Vice-Comitis Sancti Albani tractatus de Dignitate et Augmentis Scientiarum qui est Instaurationis magne pars prima. Ad regem svvm. Londini, typis Ioh. Haviland. Prostant ad insignia Regia in Cæmeterio D. Pauli, apud Iocosam Norton et Richardum Whitakerum. 1638."

4. In the year 1645 an edition in 12mo. was published in Holland. The following is the title page: "Francisci Baconis de Verulamio, Vice-Comitis Sancti Albani, de Dignitate et Augmentis Scientiarum. Libri IX. Ad Regem suum. Editio nova, cum Indice rerum et verborum locupletissimo. Lugd. Batav. apud Franciscum Moyardum et Adrianum Wijngaerde. Anno 1645."—The title page of this Dutch edition is adorned with an engraving, not undeserving the attention of our students in England: it is of a youth aspiring to the attainment of knowledge.

5. In 1652 another edition in 12mo. was published in Holland, the engraving prefixed to the edition of 1645 is also prefixed to this edition; but the descriptive title is omitted, and the address to the reader is at the back of the engraving. The following is the title page: "Fr. Baconis de Vervlam Angliæ Cancellarii de Avgmentis Scientiarvm. Lib. IX. Lvgd. Batavorvm, ex officina Adriani Wijngaerden. Anno 1652."

6. In 1662 another edition was published in 12mo. in Holland. The

Copies were presented to the King, to whom it was

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following is a copy of the title page: " Fr. Baconis de Vervlam Angliæ Cancellarii de Avgmentis Scientiarum Lib. IX. Amstelædami, sumptibus Joannnis Ravesteinij. 1662." At the back of which, as in the edition of 1652, there is the address to the reader: " Amice Lector. Hoc opus de Augmentis Scientiarum, novo ejusdem autoris organo si præmittatur, non modo necessarium ei lucem præbet; sed et partitiones continet scientiarum quæ primam Instaurationis magnæ partem constituunt quas idcirco auctor in ipso organi limine retractare noluit. Hæc te scire volebam."

7. In 1765 an edition in 8vo. was published at Venice. The following is the title page: " Francisci Baronis de Verulamio, Angliæ Cancellarii de Dignitate et Augmentis Scientiarum. Pars prima. Lugani, MDCCLXIII. Expensis Gasparis Girardi, Bibliopolæ Veneti." I have a copy.

8. In 1779 an edition was published on the continent. The following is the title page: " Francisci Baconi Baronis de Verulamio de Dignitate et Augmentis Scientiarum. Tomus I. Wirceburgi, apud. Jo. Jac. Stahel. 1779.

9. In 1829 another edition was published on the continent, in two vols. of which the following is the title page: " Francisci Baconis de Dignitate et Augmentis Scientiarum. Libri IX. Ad fidem optimarum editionum edidit vitamque auctoris adjecit Philippus Mayer, Philosophie Doctor et Gymnasii Norimbergensis Collega. Norimbergae, sumptibus Riegelii et Wiessneri. MDCCCXXIX."

Such are the different editions of which I have any knowledge. I understand that editions have been published in Germany, for which I have sent, and hope to be able to procure.

Is it not rather extraordinary that not an edition has been published in either of the universities of England?

Translations.

In the year 1640 a translation into English was published at Oxford, with a portrait of the philosopher writing his Instauratio, and the following inscriptions prefixed and subjoined: " Tertius a Platone philosophiæ princeps. Quod feliciter vortat reip. literariæ V. C. Fran. de Verulamio philosoph. libertates assertor avdax, scientiaru' reparator felix mundi mentisq. magnus arbiter inclytis max. terrarum orbis Acad. Oxon. Contab. Q. hanc suam Instavr. voto suscepto vivus decernebat obiit V. non. April. II. D. N. Caroli I. Pp. Aug. CIↃ IↃC XXVI"—Appended is another engraving of two spheres, the one of the visible, the other of the intellectual world, and supported by two fixed pillars, the one Oxford and the other Cambridge, with a vessel sailing between them, with the following inscription: " Of

dedicated, the Prince, the Duke of Buckingham, Trinity

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the Advancement and Proficience of Learning, or the Partitions of Sciences, IX Bookes. Written in Latin by the most illustrious and famous Lord Francis Bacon, Baron of Verulam, Vicont St. Alban, Counsilour of Estate and Lord Chancellor of England. Interpreted by Gilbert Wats. Multi pertransibunt et augebitur scientia. Oxford, printed by Leon. Lichfield, printer to the University for Rob. Young, and Ed. Forrest. CICIↃC XL."

In the year 1674 another edition of the translation by Wats was published in London, but instead of the engravings which were prefixed to the edition of 1640, there is prefixed to the annexed title page only a portrait of Lord Bacon. The following is the title page: "Of the Advancement and Proficience of Learning: or the Partitions of Sciences. Nine Books. Written in Latin by the most eminent, illustrious and famous Lord Francis Bacon, Baron of Verulam, Viscount St. Alban, Counsellor of Estate and Lord Chancellor of England. Interpreted by Gilbert Wats. London, printed for Thomas Williams, at the Golden Ball in Osier Lane, 1674."

Of these translations Archbishop Tenison thus speaks in the Baconiana: "The whole of this book was rendered into English by Dr. Gilbert Wats, of Oxford, and the translation has been well received by many; but some there were, who wished that a translation had been set forth, in which the genius and spirit of the Lord Bacon had more appeared. And I have seen a letter, written by certain gentlemen to Dr. Rawley, wherein they thus importune him for a more accurate version, by his own hand. 'It is our humble suit to you, and we do earnestly solicit you to give yourself the trouble to correct the too much defective translation of De Augmentis Scientiarum, which Dr. Wats hath set forth. It is a thousand pities that so worthy a piece should lose its grace and credit by an ill expositor; since those persons who read that translation, taking it for genuine, and upon that presumption not regarding the Latin edition, are thereby robbed of that benefit which, if you would please to undertake the business, they might receive. This tendeth to the dishonour of that noble lord, and the Advancement of Learning.'"

Of the correctness or incorrectness of these observations, some estimate may be formed from the following specimens:

The Instauratio Magna thus begins: "Franciscus de Verulamio sic cogitavit"—Translation by Wats: "Francis Lord Verulam consulted thus."

Another specimen: Advancement of Learning.—"We see in all other pleasures there is satiety, and after they be used their verdure departeth; which sheweth well they be but deceits of pleasure, and not pleasures, and that it was the novelty which pleased, and not the quality; and therefore

College, Cambridge, the University of Cambridge, and the

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we see that voluptuous men turn friars, and ambitious men turn melancholy; but of knowledge there is no satiety, but satisfaction and appetite are perpetually interchangeable, and therefore appeareth to be good in itself simply, without fallacy or accident."

Wats's Translation.—" In all other pleasures there is a finite variety, and after they grow a little stale, their flower and verdure fades and departs; whereby we are instructed that they were not indeed pure and sincere pleasures, but shadows and deceits of pleasures, and that it was the novelty which pleased, and not the quality; wherefore voluptuous men often turn friars, and the declining age of ambitious princes is commonly more sad and besieged with melancholy; but of knowledge there is no satiety, but vicissitude, perpetually and interchangeably returning of fruition and appetite; so that the good of this delight must needs be simpler, without accident or fallacy."

In the year 1632 a translation into French was published in Paris. The following is a copy of the title page: " Neve Livres de la Dignité et de l'Accroissement des Sciences, composez par Francois Bacon, Baron de Verulam et Vicomte de Saint Aubain, et traduits de Latin en Francois par le Sieur de Golefer, Conseiller et Historiographe du Roy. A Paris, chez Jaques Dugast, rue Sainct Jean de Beauvais, a l'Olivier de Robert Estienne et en sa boutique au bas de la rue de la Harpe. M.DC.XXXII. avec privilege du Roy."—Of this edition Archbishop Tenison says, " This work hath been also translated into French, upon the motion of the Marquis Fiat; but in it there are many things wholly omitted, many things perfectly mistaken, and some things, especially such as relate to religion, wilfully perverted. Insomuch that, in one place, he makes his lordship to magnify the Legend: a book sure of little credit with him, when he thus began one of his essays, 'I had rather believe all the fables in the Legend, and the Talmud, and the Alcoran, than that this universal frame is without a mind.'" I have a copy of this edition.

A Letter of the Lord Bacon's, in French, to the Marquess Fiat, relating to his Essays.

Monsieur l'Ambassadeur mon File,—Voyant que vostre excellence faict et trait mariages, non seulement entre les princes d'Angletere et de France, mais aussi entre les langues (puis que faictes traduire non liure de l'Advancement des Sciences en Francois) i' ai bien voulu vous envoyer, &c.

There is a translation into French in the edition of Lord Bacon's works, published in the eighth year of the French Republic. The following is the title page of this edition: " Œuvres de François Bacon, Chancelier d'Angletaire; traduites par Ant. La Salle; avec des notes critiques, historiques

University of Oxford. (*a*)—The present was gratefully acknowledged by the different patrons to whom it was presented, and by all the learning of England.

Fifty years after its publication it was included at Rome in the list "Librorum Prohibitorum," in which list it is now included in Spain.

The vanity of these attempts to resist the progress of knowledge might, it should seem, by this time be understood even at the Vatican.

How beautifully are the consequences of this intolerance thus stated by Fuller: (*b*) "Hitherto the corpse of John Wickliffe had quietly slept in his grave about forty-one years after his death, till his body was reduced to bones, and his bones almost to dust. For though the earth in the chancel of Lutterworth, in Leicestershire, where he was interred, hath not so quick a digestion with the earth of Aceldama, to consume flesh in twenty-four hours, yet such the appetite thereof, and all other English graves,

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et litteraires. Tome premier. A Dijon, de l'Imprimerie de L. N. Frantin, an 8 de la Republique Française."

De Augmentis—Latin.

1623	Folio	Haviland	London	1st edit.
1624	4to.	Mettayer	Paris	2nd edit.
1633	Folio	Haviland	London	3rd edit.
1645	12mo. ...	Moirardum ..	Dutch	4th edit.
1652	12mo. ...	Wynyard	Dutch	5th edit.
1662	12mo. ...	Ravestein	Dutch	6th edit.
1765	8vo.....	Gerard	Venice	7th edit.
1779	8vo.....	Stahel	Wirceburgi ...	8th. 2 vols.
1829	8vo.....	Riegelii.....	Nuremberg....	9th. 2 vols.

Translations.

1640	English ..	G. Watts	Oxford	Folio.
1674	English ..	G. Watts	London	Folio.
1632	French ...	Dugast	Paris	4to.
8th year Rep. .	French ...	Frantin	Dijon.....	8vo.

(*a*) Copies of the presentation letters, with the answers are in the preface to vol. viii.

(*b*) Ecclesiastical History.

to leave small reversions of a body after so many years. But now such the spleen of the council of Constance, as they not only cursed his memory as dying an obstinate heretic, but ordered that his bones (with this charitable caution,—if it may be discerned from the bodies of other faithful people) be taken out of the ground, and thrown far off from any christian burial. In obedience hereunto, Richard Fleming, Bishop of Lincoln, Diocesan of Lutterworth, sent his officers, vultures with a quick sight scent at a dead carcass, to ungrave him. Accordingly to Lutterworth they come; Summer, Commissary, Official, Chancellor, Proctors, Doctors, and their servants, so that the remnant of the body would not hold out a bone amongst so many hands, take what was left out of the grave, and burnt them to ashes, and cast them into Swift, a neighbouring brook running hard by. Thus this brook hath conveyed his ashes into Avon, Avon into Severn, Severn into the narrow seas, they into the main ocean; and thus the ashes of Wickliffe are the emblem of his doctrine, which now is dispersed all the world over."

If Bacon had completed his intended work upon "Sympathy and Antipathy," the constant antipathy of ignorance to intellect, originating sometimes in the painful feeling of inferiority, (*a*) sometimes in the fear of worldly injury, but always in the influence of some passion more

(*a*) The Athenian peasant voted for the banishment of Aristides, because he was called "The Just."

> "Let me have men about me that are fat,
> Sleek-headed men, and such as sleep a-nights:
> Yon Cassius has a lean and hungry look;
> He thinks too much: such men are dangerous."

> "'Tis a rich man's pride—there having ever been
> More than a feud, a strange antipathy
> Between us and true gentry."—Massinger.

powerful than the love of truth,(*a*) would not have escaped his notice.

In this year he also published his History of Life and Death, which, of all his works, is one of the most extraordinary, both for the extent of his views, and the minute accuracy with which each part is investigated. It is addressed, not, to use his own expression, "to the Adonis's of literature, but to Hercules's followers; that is, the more severe and laborious inquirers into truth."(*b*) Life and Death.

Upon his entrance, in the Advancement of Learning, on the science of human nature, he says, "The knowledge of man, although only a portion of knowledge in the continent of nature, is to man the end of all knowledge:"(*c*) and, in furtherance of this opinion, he explains that the object of education ought to be knowledge and improvement of the Body and the Mind.(*d*)

Of the importance of knowledge of the body, that, "while sojourning in this wilderness, and travelling to the land of promise, our vestments should be preserved," Body.

(*a*) "Great is Diana of the Ephesians."—New Testament. "The Pope said he could catch no fish, if the waters were clear."—Fuller. "Man would contend that two and two did not make four if his interests were affected by this position." "Agnus was the only combination which the wolf, learning to spell, could make of the twenty-four letters of the alphabet."

Although the objections of intellect and of ignorance may, possibly, be traced to a love of truth and of the public weal: the objections of interest always originate in self, and are movable only by removing the cause. The English ambassador, who, upon his return from Rome, being asked by Queen Caroline, "Why he had not attempted to make a convert of thé Pope," wisely answered, "Madam, I had nothing better to offer to his Holiness."

(*b*) Advancement of Learning.

(*c*) See vol. ii. p. 153, and vol. viii. p. 204. Hæc scientia homini pro fine est scientiarum: at naturæ ipsius portio tantum.

(*d*) Page cx.

he is incessant in his observations. He divides the subject into

- 1. Health.
  - 1. The preservation of Health.
  - 2. The cure of Diseases.
  - 3. The prolongation of Life.
- 2. Strength.
- 3. Beauty.
- 4. Pleasure.

His History of Life and Death may be regarded as a treatise upon the art of Preservation of Health and Prolongation of Life.

As the foundation of his investigations he considers,

- 1st. The causes of the *consumption* of the body.
- 2ndly. The modes of *reparation.*

Consumption. Of *consumption* he says there are two causes: the depredation of vital spirit and the depredation of ambient air; and if the action of *either* of these agents can be destroyed, the decomposition is more or less retarded, as in bodies inclosed in wax or coffins, where the action of the external air is excluded: and when the action of *both* these causes can be prevented, the body defies decomposition, as in bricks and burnt bodies, where the vital spirit is expelled, by exposure of the clay to the ambient air, and afterwards by fire; or as a fly in amber, more beautifully entombed than an Egyptian monarch.

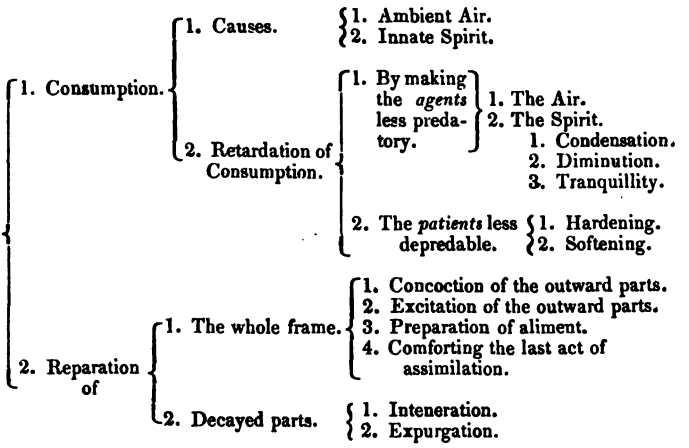
In making the *agents* less predatory, and the *patients* less depredable, the science of the retardation of consumption consequently consists. (*a*)

He proceeds, therefore, with his usual accuracy, to consider how these objects are to be attained; and, having

(*a*) For the analysis, see note (*a*), next page.

considered them, he proceeds to the doctrine of *reparation*, both of the *whole* frame and the decayed *parts*. (*b*)

(*a*) The following analysis will exhibit a small portion of this science:



(*b*) The following outline of the treatise is annexed, with the hope that it may induce some of the inquirers to whom it is addressed to extend their researches to this the foundation of their happiness and utility. It contains inquiries, 1 and 2, as to the durability of bodies inanimate and vegetable. 3. Length of life in animals. 4. Alimentation. 5, 6, 7, 8, 9. Length of man's life according to,

1. The ages of the world. 2. Places of birth. 3. Races of families. 4. Complexions, constitutions. 5. Habits of body. 6. Statures. 7. Manner and time of growth. 8. Make. 9. Times of nativity. 10. Fare. 11. Diet. 12. Government. 13. Exercise. 14. Their Studies. 15. Courses of life. 16. Passions.

10. Medicines that prolong life. 11. Physiognomical signs of long life. 12. Preventing consumption.

1. Renewal of vigour of spirits. 2. Exclusion of air. 3. Operation on blood and sanguiferous heat. 4. Operation on juices of the body.

13. Reparation by food.

5. Operation upon bowels for extension of aliment. 6. Operation on outward parts for alteration of aliment. 7. Operation upon the aliment. 8. Operation on last act of assimilation.

His History of Life and Death contains his favourite doctrine of Vital Spirit, or excitability, or life, which he notices in various parts of his works. (*c*)

In this place more cannot be attempted than, as a specimen of the whole of this important subject, to explain one or two of the positions.

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14. Revivifying.

9. Softening hard spirits. 10. Purging old juices.

15. The porches of death. 16. Differences of youth and age. 17. Causes of life and death.

(*c*) An imperfect outline may be thus exhibited:

1. Every tangible body contains a spirit.
2. The spirit is imperceptible by the senses.
3. The spirit is but little known because it is imperceptible by the senses.
4. This science is of great importance.

These general observations are explained by a particular investigation of the various properties of spirit.

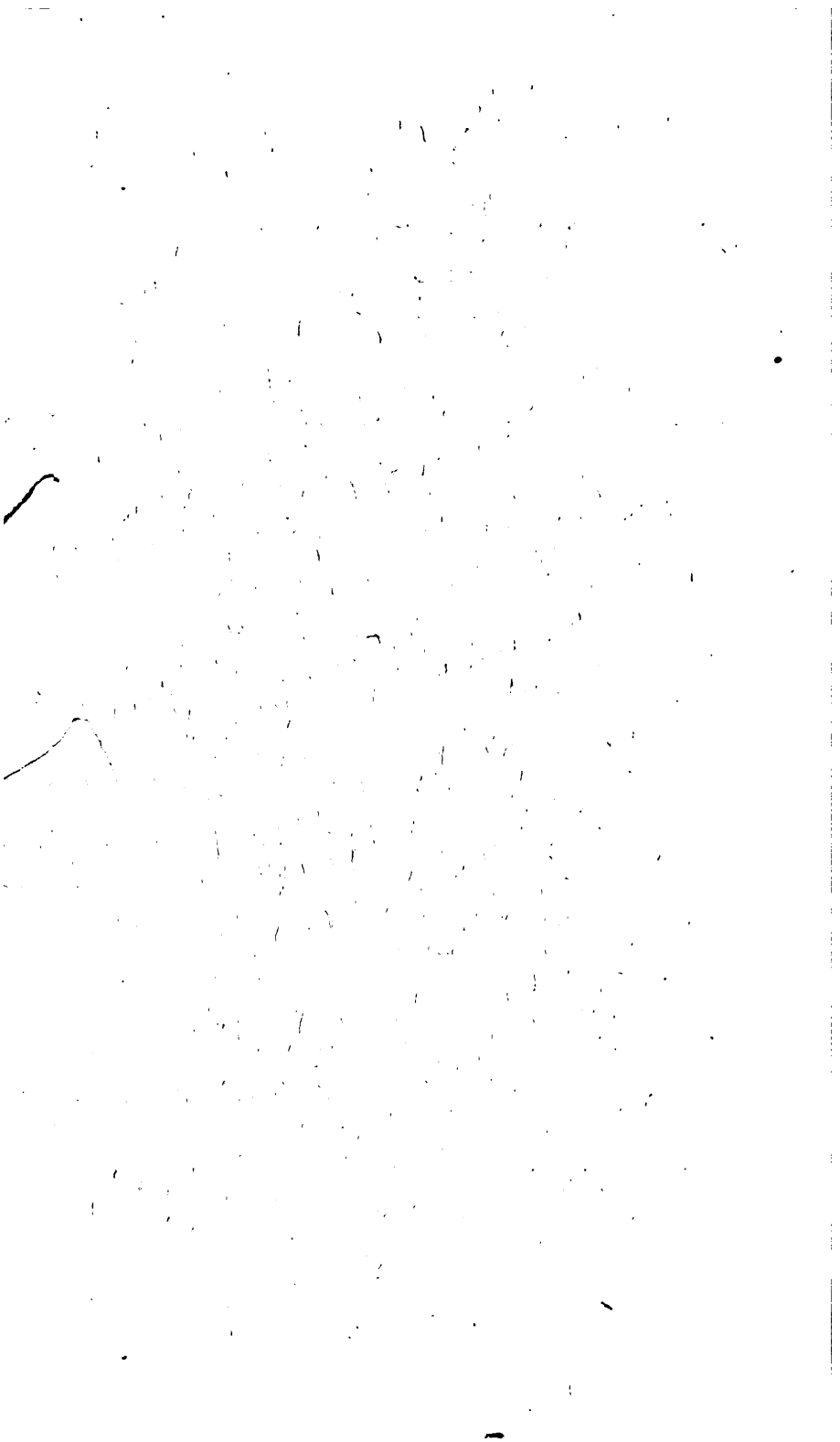
I. Quantity of spirit.
   1. How generated.
   2. Of condensing and dilating the spirit.
   3. Detention of spirit.
   4. Exhaustion of spirit.

II. Quality of spirit.
   1. Different spirits of different bodies, and different sorts of spirits in the same body.
   2. Of preserving the spirit young and vigorous.
   3. Hot and cold.
   4. Active and quiescent.

III. Regulation of spirit.

IV. Of the perceptible effects of spirit upon the body.

Sylva Sylvarum, Century 1, Art. 98, v. iv. p. 61. Fable of Proserpine, in the Wisdom of the Ancients, vol. iii. p. 88; and in the History of Henry VII. in his observations on the sweating sickness.



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